

CHAPTER 32 CIVIL INFRACTIONS: SCHEDULE OF FINES

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3200 CLASSES OF INFRACTIONS

3200.1 The schedule of fines set forth in this chapter shall include the following classes:

- (a) Class 1 - Infractions involving alcoholic beverages, controlled substances, other pharmaceuticals, or violations of environmental laws or regulations, that result from flagrant, fraudulent, or willful conduct, or unlicensed activity, or that are imminently dangerous to the health, safety, or welfare of persons within the District of Columbia; and, for certain specified fire prevention code violations;

- (b) Class 2 - Infractions that result from flagrant, fraudulent, or willful conduct, or unlicensed activity, or that are imminently dangerous to the health, safety, or welfare of persons within the District of Columbia;
- (c) Class 3 - Infractions that involve a failure to comply with a law or rule requiring periodic renewal of licenses or permits, or infractions that are very serious and have an immediate, substantial impact on the health, safety, or welfare of persons within the District of Columbia;
- (d) Class 4 - Infractions that involve a failure to post required licenses or permits, or infractions that are minor, but have the potential to be hazardous to the health, safety, or welfare of persons within the District of Columbia; and
- (e) Class 5 - Infractions that collectively create a nuisance but individually do not pose a threat to the health, safety, or welfare of persons within the District of Columbia.

3200.2 The schedule of fines may also include infractions that have not been classified in accordance with §3200.1.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §105 of the Department of Consumer and Regulatory Affairs Infractions Act of 1985, D.C. Law 6-42, D.C. Code §6-2701 *et seq.* (1986 Supp.), and Mayor's Order 86-38, issued March 4, 1986, 33 DCR 1823 (March 21, 1986).

SOURCE: Final Rulemaking published at 34 DCR 5736 (September 4, 1987); as amended by Final Rulemakings published at 44 DCR 1950, 1951 (April 4, 1997).

3201 FINES

3201.1 The fines for the infractions specified in §3200.1 shall be as follows:

- (a) For Class 1 infractions, the fines are as follows:
 - (1) For the first offense \$1,000;
 - (2) For the second offense \$2,000;
 - (3) For the third offense \$4,000;
 - (4) For the fourth or subsequent offense \$8,000;
- (b) For Class 2 infractions, the fines are as follows:
 - (1) For the first offense \$500;
 - (2) For the second offense \$1,000;
 - (3) For the third offense \$2,000;
and
 - (4) For the fourth or subsequent offense \$4,000;

- (c) For Class 3 infractions, the fines are as follows:
- (1) For the first offense \$100;
 - (2) For the second offense \$200;
 - (3) For the third offense \$400;
and
 - (4) For the fourth or subsequent offense \$800;
- (d) For Class 4 infractions, the fines are as follows:
- (1) For the first offense \$50;
 - (2) For the second offense \$100;
 - (3) For the third offense \$200;
and
 - (4) For the fourth or subsequent offense \$400;
and
- (e) For Class 5 infractions, the fines are as follows:
- (1) For the first offense \$20;
 - (2) For the second offense \$40;
 - (3) For the third offense \$80;
and
 - (4) For the fourth or subsequent offense \$160.

3201.2 An infraction shall be a repeat infraction and shall carry the enhanced penalties set forth in §§3201.1 and 3224.1, if the infraction is a violation by the same person of the same provision of a law or rule committed within the same three-year (3 yr.) period as the initial infraction.

3201.3 For purposes of §3201.2, the first three-year (3-yr.) period shall commence on January 1, 1988, and end on December 31, 1990. Subsequent three-year (3-yr.) periods shall commence on the January 1st following the expiration of each prior three-year (3-yr.) period. Infractions occurring prior to January 1, 1988, shall be deemed to have occurred during the first three-year (3-yr.) period.

3201.4 An infraction committed by an individual acting as agent, partner, director, officer, or employee of a person shall be considered to have been committed by that person.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5737 (September 4, 1987).

3202 - 3210 [RESERVED]**3211 DCRA OFFICE OF COMPLIANCE INFRACTIONS**

3211.1 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) D.C. Code §36-1001 *et seq.*, except §36-1002(a) (violation of any provision of the Employment Services Licensing and Regulation Act of 1984, D.C. Law 5-136, or rule issued pursuant thereto); or
- (b) D.C. Code §40-1301 *et seq.*, (violation of any provision of the Automobile Consumer Protection Act of 1984, D.C. Law 5-162, or rule issued pursuant thereto).

SOURCE: Final Rulemaking published at 34 DCR 5736, 5738 (September 4, 1987).

3212 DCRA OCCUPATIONAL AND PROFESSIONAL LICENSING ADMINISTRATION INFRACTIONS

3212.1 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) D.C. Code §2-105(f) or 2-105(g) (practicing as an accountant or auditor without a valid permit or certificate);
- (b) D.C. Code §2-214(a) (practicing as an architect without certification);
- (c) D.C. Code §2-414(a)(1) (practicing as a barber without a valid certificate);
- (d) D.C. Code §2-608(a) (engaging or participating in a boxing or wrestling contest, match or exhibition without a valid license or permit);
- (e) D.C. Code §2-906 (practicing or teaching cosmetology, managing a beauty shop or maintaining any place for the practice or teaching of cosmetology for compensation without a certificate of registration);
- (f) D.C. Code §2-915 (conducting sales demonstrations, lectures or expositions of beauty shop and cosmetological products and equipment without a certificate of registration);
- (g) D.C. Code §2-2106 (engaging in the work of plumbing or gas-fitting without a license);
- (h) D.C. Code §2-2304 (practicing as an engineer without a certificate of registration);

- (i) D.C. Code §2-2401 (practicing as a steam or other operating engineer without a license);
- (j) D.C. Code §2-2811(a) or 2-2811(c) (engaging in the practice of funeral directing without a license);
- (k) D.C. Code §2-3305.1 (practicing medicine, acupuncture, chiropractic, registered nursing, practical nursing, dentistry, dental hygiene, dietetics, nutrition, nursing home administration, occupational therapy, optometry, pharmacy, physical therapy, podiatry, psychology, social work, physician's assistant or occupational therapy assistant without a license);
- (l) D.C. Code §2-3309.1(a) (practicing naturopathy or naturopathic healing without a certificate of registration);
- (m) D.C. Code §2-3309.2 (engaging in the practice of dance therapy or recreation therapy without a certificate of registration);
- (n) D.C. Code §2-3310.1 (practicing a health occupation without a license);
- (o) D.C. Code §45-1926(a) (practicing as a real estate broker, real estate salesperson or property manager without a license);
- (p) D.C. Code §45-1929 (engaging or conducting the business of property management without a license);
- (q) D.C. Code §2-105 except §§2-105(f) and 2-105(g) (unlawful use of the title "certified public accountant, CPA or public accountant");
- (r) D.C. Code §2-3310.2 or §2-3310.3 (unlawful use of a title designating the practice of a health occupation);
- (s) D.C. Code §45-1940(e) (unlawful use of any title tending to indicate that the person is licensed as a real estate broker or salesperson);
- (t) D.C. Code §2-414(a)(3) (employing an unregistered person to engage in the practice of barbering);
- (u) D.C. Code §2-2107 (employing an unlicensed person to engage in the practice of plumbing or gasfitting);
- (v) D.C. Code §2-2406 (employing an unlicensed person as a steam or operating engineer);
- (w) D.C. Code §45-1940(c) (employing an unlicensed person as a real estate broker or salesperson); or

- (x) D.C. Code §2-2311(c) (unlawful use of an engineering seal).

3212.2 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) D.C. Code §2-225 (failure to renew an architect's license);
- (b) D.C. Code §2-2806 (failure to renew a funeral director's license); or
- (c) D.C. Code §2-2811(g) (facilitating the solicitation of funeral goods or services).

3212.3 Violation of any provision of a statute or rule cited elsewhere in this section requiring that the license, certificate, or registration be conspicuously posted on the premises of the licensee shall be a Class 4 infraction.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5738 (September 4, 1987).

3213 DCRA ALCOHOLIC BEVERAGE CONTROL DIVISION INFRACTIONS

3213.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) D.C. Code §25-109 (failure to obtain a license prior to manufacturing for sale, keeping for sale, soliciting of any order for the sale of, or selling an alcoholic beverage; permitting the consumption of an alcoholic beverage on premises where facilities are provided and service is rendered for the consumption of alcoholic beverages without possessing a license; or offering for sale to or soliciting an order for the sale of an alcoholic beverage from an unlicensed person);
- (b) 23 DCMR §104.2 (failure to keep and maintain required books or records on licensed premises);
- (c) 23 DCMR §106.1 (granting the use of a club for a commercial or business purpose);
- (d) 23 DCMR §110.1 (failure to surrender a license which is not in use);
- (e) 23 DCMR §400.1 (failure to permit an examination of premises where an alcoholic beverage is manufactured, kept, sold, or consumed);
- (f) 23 DCMR §400.2 (failure to permit an inspection of books or records);
- (g) 23 DCMR §403.1 (failure to secure an alcoholic beverage when remaining open during hours when the sale of such beverage is prohibited);

- (h) 23 DCMR §504 (permitting the solicitation of an alcoholic beverage on licensed premises);
- (i) 23 DCMR §505.1 (permitting the production of any sound on licensed premises which may be heard in premises other than the licensed premises); or
- (j) 23 DCMR §800 (unlawful transportation of an alcoholic beverage into the District of Columbia).

3213.2

Violation of any of the following provisions shall be a Class 2 infraction:

- (a) D.C. Code §25-108 (sale for beverage purposes of a product which is unfit for beverage purposes);
- (b) D.C. Code §25-113(a) (possession of a manufacturer's or wholesaler's license together with any other class of license);
- (c) D.C. Code §25-113(b) (possession of a prohibited interest in more than one license);
- (d) D.C. Code §25-115(b) (willful removal, obliteration, or defacement of a posted application notice);
- (e) D.C. Code §25-118(a) (failure to superintend a licensed business in person or through a manager approved by the Board);
- (f) D.C. Code §25-121(e) or 23 DCMR §503.10 (failure to post a clearly visible notice of current legal drinking ages and identification requirements);
- (g) D.C. Code §25-124(f)(2) (failure of passenger-carrying marine vessel licensee to maintain and make available for inspection records of all alcoholic beverages sold and served in the District);
- (h) D.C. Code §25-134 (failure to properly label a container of rectified or blended spirits);
- (i) 23 DCMR §103.1 (use of a corporate or trade name without ABC Board approval);
- (j) 23 DCMR §105.1 (storage of an alcoholic beverage in a club without ABC Board approval);
- (k) 23 DCMR §105.2 or 511 (failure to properly label an alcoholic beverage container);
- (l) 23 DCMR §301 (failure to provide toilet facilities which comply with 23 DCMR §301);

- (m) 23 DCMR §304.1 or 304.2 (failure to comply with a provision concerning the size of advertising signs);
- (n) 23 DCMR §402.9 (use of premises for sampling of an alcoholic beverage without obtaining Board approval or during hours which are not permitted);
- (o) 23 DCMR §404 (failing to submit required information concerning a corporate or limited partnership licensee);
- (p) 23 DCMR §405.1 (failure to possess a manager's permit);
- (q) 23 DCMR §408.1 (failure to notify the ABC Board of an employee conviction);
- (r) 23 DCMR §508.1 (sale of a beverage in a container that does not comply with specified federal rules);
- (s) 23 DCMR §508.2 (sale or delivery of an alcoholic beverage in a container of a capacity of one-tenth (1/10) gallon); or
- (t) 23 DCMR §802.1 (failure to comply with a provision concerning the sale of more than twelve (12) containers of alcohol, spirits, or wine of less than one (1) pint capacity).

3213.3

Violation of any of the following provisions shall be a Class 3 infraction:

- (a) D.C. Code §25-123 (failure to submit to the ABC Board a complete and accurate monthly report on beverages manufactured or purchased);
- (b) D.C. Code §25-133 (sale of an alcoholic beverage on credit);
- (c) 23 DCMR §300.2 (failure to submit detailed plans and drawings and receive ABC Board approval prior to physically altering licensed premises);
- (d) 23 DCMR §302.1 (permitting the installation on licensed premises of a seating booth in violation of 23 DCMR §302.1);
- (e) 23 DCMR §304.6 or 304.7 (failure to comply with a provision concerning the illumination of advertising signs);
- (f) 23 DCMR §402 (except §402.9) (failure to comply with a provision concerning permitted hours during which an alcoholic beverage may be sold, delivered, served, consumed, etc.);
- (g) 23 DCMR §406.1 (failure to notify the ABC Board of the termination of a designated manager, or failure to timely designate a new manager);

- (h) 23 DCMR §409.1 (failure to plainly exhibit a retail alcoholic beverage price);
- (i) 23 DCMR §410.5 (failure to conspicuously post a minimum charge sign);
- (j) 23 DCMR §500 (purchase or sale of an alcoholic beverage in violation of the full cash payment provisions of 23 DCMR §500);
- (k) 23 DCMR §502 (failure to timely submit a monthly report on a dishonored check, draft, or other order);
- (l) 23 DCMR §506 (failure to comply with a provision concerning tie-in purchases);
- (m) 23 DCMR §513 (unlawful purchase of a beverage for resale);
- (n) 23 DCMR §600, 601, or 602 (failure to comply with a provision concerning the advertising of alcoholic beverages);
- (o) 23 DCMR §604.1 (unlawful use of a term such as "bonded" or "bottled in bond");
- (p) 23 DCMR §605 (failure to comply with a provision concerning wine advertisements); or
- (q) 23 DCMR §907.1 (unlawful sale or delivery of an alcoholic beverage to an embassy, foreign representative, or international organization).

3213.4 Violation of any provision of the District of Columbia Alcoholic Beverage Control Act, D.C. Code §25-101 *et seq.* (1996 Repl. Vol.), or rule issued pursuant to that Act, which provision or rule is not cited elsewhere in this section, shall be a Class 4 infraction.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5740 (September 4, 1987).

3214

DCRA BUSINESS SERVICES DIVISION INFRACTIONS

3214.1

Violation of any of the following provisions shall be a Class 2 infraction:

- (a) D.C. Code §2-703(a) (soliciting without a valid certificate of registration);
- (b) D.C. Code §2-1902(a) (operating without a pawnbroker license);
- (c) D.C. Code §47-2404(b)(1) (manufacturing, purchasing or otherwise acquiring or selling cigarettes without a wholesaler's license);
- (d) D.C. Code §26-701 (operating without a money lender's license);
- (e) D.C. Code §47-2404(b)(3) (displaying for sale or selling cigarettes by means of a vending machine without a license);

- (f) D.C. Code §36-1002(a) (operating an employment services establishment without a license);
- (g) D.C. Code §47-2102(a) (conducting a closing-out sale without a valid license);
- (h) D.C. Code §47-2404(b)(2) (keeping for sale or selling cigarettes without a retailer's license);
- (i) D.C. Code §47-2701 (conducting an auction without a valid permit);
- (j) D.C. Code §47-2808 (operating without an auctioneer's license);
- (k) D.C. Code §47-2809 (operating a barbershop or beauty parlor without a license);
- (l) D.C. Code §47-2811 (operating a massage establishment without a license);
- (m) D.C. Code §47-2812 (operating a public bath without a license);
- (n) D.C. Code §47-2814 (operating without a gasoline, kerosene, oils, firework or explosive license);
- (o) D.C. Code §47-2815 (operating without a pyroxylin license);
- (p) D.C. Code §47-2817 (operating a laundry, dry cleaning or dyeing establishment without a license);
- (q) D.C. Code §47-2818 (operating a mattress establishment without a license);
- (r) D.C. Code §47-2819 (operating a slot machine used for dispensing foodstuffs or refreshments without a license);
- (s) D.C. Code §47-2820 (operating a theater, skating rink, fair, carnival, ball, dance, exhibition, lecture or other entertainment without a license);
- (t) D.C. Code §47-2821 (operating a bowling alley, billiards or pool table establishment without a license);
- (u) D.C. Code §47-2824 (operating a swimming pool without a license);
- (v) D.C. Code §47-2825 (operating a circus without a license);
- (w) D.C. Code §47-2827(b) (operating a bakery, bottling establishment, candy manufacturing establishment, grocery store, or market without a license);

- (x) D.C. Code §47-2827(c) (operating a delicatessen, ice cream parlor, soda fountain or soft drink establishment without a license);
- (y) D.C. Code §47-2827(d) (operating an ice cream manufacturing establishment without a license);
- (z) D.C. Code §47-2827(e) (operating a restaurant or private club without a license);
- (aa) D.C. Code §47-2828 (operating a building containing living or lodging quarters without a license);
- (bb) D.C. Code §47-2829 (operating a passenger vehicle for hire without a license);
- (cc) D.C. Code §48-2830 (operating an establishment where motor vehicles are kept for rent or lease without a license);
- (dd) D.C. Code §48-2832 (operating an establishment where motor vehicles are washed, cleaned, greased, oiled or repaired without a license);
- (ee) D.C. Code §48-2834 (selling goods upon the public streets or from the public space without a license);
- (ff) D.C. Code §47-2835 (soliciting without a valid license);
- (gg) D.C. Code §47-2837 (dealing in second hand personal property without a license);
- (hh) D.C. Code §47-2840 (operating without a fortune-teller's license);
- (ii) D.C. Code §47-3102 (selling any check, draft, money order, personal money order or other instrument for the transmission or payment of money other than a traveler's check without a license);
- (jj) D.C. Code §10-104 (operating without the required seal of approval);
- (kk) 16 DCMR §201.1 (engaging in the business of loaning money without a license);
- (ll) 16 DCMR §301.1 (operating as a dealer, salesperson, automobile reposessor or sale finance company without a license); or
- (mm) 16 DCMR §602.1 (providing repair services for motor vehicle or electronics equipment without a license).

3214.2

Violation of any provision of statute or rule cited elsewhere in this section requiring the periodic renewal of a license, certificate, or registration, shall be a Class 3 infraction.

3214.3 Violation of any provision of a statute or rule cited elsewhere in this section requiring that the license, certificate, or registration be conspicuously posted on the premises of the licensee shall be a Class 4 infraction.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5744 (September 4, 1987).

3215 DCRA CORPORATION DIVISION INFRACTIONS

3215.1 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) D.C. Code §29-348 (failure of a domestic corporation to file articles of incorporation);
- (b) D.C. Code §29-399.20(c) (failure of a foreign corporation to obtain a certificate of authority);
- (c) D.C. Code §29-399.25 (operating a corporation after revocation of the articles of incorporation or certificate of authority);
- (d) D.C. Code §29-399.50 (submitting a document containing a false statement);
- (e) D.C. Code §29-588 (operating a non-profit corporation after revocation of the articles of incorporation or certificate of authority);
- (f) D.C. Code §29-599.11 (submitting a document of a non-profit corporation containing a false statement);
- (g) D.C. Code §29-606 (failure of a professional corporation to obtain a certificate of authority);
- (h) D.C. Code §29-614 (failure of a foreign professional corporation to obtain a certificate of authority); or
- (i) D.C. Code §29-1134(d) (submitting a report of a cooperative association containing a false statement).

3215.2 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) D.C. Code §29-227 or 29-228 (failure to make an entry, allow an inspection of books or keep books open for inspection);
- (b) D.C. Code §29-310 (failure to appoint or maintain a registered agent);
- (c) D.C. Code §29-398 (failure to file an annual report);
- (d) D.C. Code §29-532 (failure of a domestic non-profit corporation to file articles of incorporation);
- (e) D.C. Code §29-583 (failure of a foreign corporation to obtain a certificate of authority);

- (f) D.C. Code §29-1138 (paying or receiving compensation or a promotion commission for cooperative housing);
- (g) D.C. Code §29-1139 (spreading a false report about the management or finances of any cooperative association);
- (h) D.C. Code §29-399.7 (failure of a foreign corporation to appoint or maintain a registered agent);
- (i) D.C. Code §29-509 (failure of a domestic non-profit corporation to appoint or maintain a registered agent);
- (j) D.C. Code §29-572 (failure of a foreign non-profit corporation to appoint or maintain a registered agent);
- (k) D.C. Code §29-614(4) (failure of a professional corporation to appoint or maintain a registered agent);
- (l) D.C. Code §29-399.13 (failure of a foreign corporation to file an annual report);
- (m) D.C. Code §29-584 (failure of a domestic and foreign non-profit corporation to file an annual report);
- (n) D.C. Code §29-619 (failure of a professional corporation to file an annual report);
- (o) D.C. Code §29-1134(a) (failure of a cooperative association to file an annual report); or
- (p) D.C. Code §29-1106 (failure of a cooperative association to file articles of incorporation).

3215.3

Violation of any provision of the District of Columbia Business Corporation Act, D.C. Code §29-301 *et seq.* (1996 Repl. Vol.), District of Columbia Non-Profit Corporation Act, D.C. Code §29-501 *et seq.* (1996 Repl. Vol.), District of Columbia Professional Corporation Act, D.C. Code §29-601 *et seq.* (1996 Repl. Vol.), or the District of Columbia Cooperative Association Act, D.C. Code §29-1101 *et seq.* (1996 Repl. Vol.), or rule issued pursuant to any of these Acts, which provision or rule is not cited elsewhere in this section, shall be a Class 4 infraction.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5747 (September 4, 1987).

**3216 DCRA BUSINESS INSPECTION DIVISION - FOOD PROTECTION
BRANCH INFRACTIONS**

3216.1 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) D.C. Code §33-101 (selling, exchanging, delivering or offering to sell adulterated food or drugs);
- (b) D.C. Code §33-108 (interfering with an inspector in the performance of the inspector's duties);
- (c) D.C. Code §33-201 (selling or offering to sell adulterated candy);
- (d) D.C. Code §33-303 (failure to obtain a permit to maintain a dairy farm, milk plant, or frozen dessert plant producing milk, cream, milk products or frozen desserts for sale in the District, or bringing into the District for sale any milk, cream, milk product or frozen dessert without a permit);
- (e) D.C. Code §33-401 (selling or offering for sale horse meat or a horse meat product without notifying the consumer that the product contains horse meat);
- (f) 22 DCMR §801.2 or 901.2 (failure to permit an inspection of the premises);
- (g) 22 DCMR §802.1 or 816.2 (operating a barber shop without a license);
- (h) 22 DCMR §810.4 or 907.1 (failure to provide adequate ventilation);
- (i) 22 DCMR §811.3 or 918.19 (engaging in the practice of barbering or cosmetology when suffering from a communicable disease);
- (j) 22 DCMR §811.8 (improper use of materials to stop bleeding);
- (k) 22 DCMR §811.10 or §§918.2 to 918.5 (using a prohibited material on a patron);
- (l) 22 DCMR §902.1 (operating a beauty shop business without a license);
- (m) 22 DCMR §903.6 (acting as an operator, manager or instructor without a license); or
- (n) 22 DCMR §907.20 (failure to obtain a certificate of occupancy that complies with the provisions of the Zoning Regulations and the Building Code).

3216.2 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 22 DCMR §115.3 (failure to keep any material used in the manufacture or renovation of mattresses in a clean place);

- (b) 22 DCMR §115.4 (failure to maintain a finished mattress free of dampness and dirt);
- (c) 22 DCMR §115.12 (using an improper material for the manufacture or renovation of a mattress);
- (d) 22 DCMR §§812.1 to 812.3 or §§916.1 to 916.3 (failure to provide proper facilities for disinfection and fungicidal treatment of all instruments);
- (e) 22 DCMR §812.5 or 916.5 (using an unclean or improperly disinfected tool on a patron);
- (f) 22 DCMR §814.1 or 919.1 (serving a patron infected with a communicable disease);
- (g) 22 DCMR §814.2 or 919.2 (serving a patron infected with head lice);
- (h) 22 DCMR §916.9 or §916.10 (failure to maintain a clean and effective strength disinfecting solution); or
- (i) 22 DCMR §924.1 or 924.2 (operating a shop without a licensed managing cosmetologist).

3216.3 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 22 DCMR §115.5 (possession of a mattress which does not have a tag or label required by law);
- (b) 22 DCMR §115.7 or 115.11 (use of an improper tag or label on a mattress);
- (c) 22 DCMR §115.8 (failure to submit a tag or label to the Department for approval); or
- (d) 22 DCMR §115.10 (failure to obtain approval from the Director for sterilization methods used on mattresses).

3216.4 Violation of any provision of District of Columbia Barber Shops and Barbering Regulations, 17 DCMR, Chapter 37 or the District of Columbia Beauty Shops and Cosmetology Regulations, 17 DCMR, Chapter 38, which provision is not cited elsewhere in this section, shall be a Class 4 infraction.

3216.5 Violation of any provision of the following statutes, or rule issued pursuant thereto, which provision or rule is not cited elsewhere in this section, shall be a Class 5 infraction:

- (a) An Act to regulate within the District of Columbia the manufacture, renovation and sale of mattresses, D.C. Code §6-801 *et seq.* (1995 Repl. Vol.);

- (b) An Act relating to the adulteration of foods and drugs in the District of Columbia, D.C. Code §33-101 *et seq.* (1993 Repl. Vol.);
- (c) An Act to prevent the adulteration of candy in the District of Columbia, D.C. Code §33-201 *et seq.* (1993 Repl. Vol.);
- (d) An Act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes, D.C. Code §33-301 *et seq.* (1993 Repl. Vol.); or
- (e) An Act relating to the sale of horse meat or food products thereof in the District of Columbia, D.C. Code §33-401 *et seq.* (1993 Repl. Vol.).

3216.6 Violation of D.C. Code §6-913.1(a) or 6-913.1(b) (1995 Repl. Vol.) (failure to designate a non-smoking area), shall be a Class 2 infraction.

3216.7 Violation of D.C. Code §6-914 (1995 Repl. Vol.) (failure to post the required "No Smoking" sign), shall be a Class 4 infraction.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5749 (September 4, 1987); as amended by 38 DCR 1 (January 4, 1991).

3217 DCRA BUSINESS INSPECTION DIVISION - WEIGHTS, MEASURES AND MARKETS INFRACTIONS

3217.1 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) D.C. Code §10-123 (use of a pump or similar device which does not measure correctly); or
- (b) D.C. Code §10-105 (use of any weighing device that has been altered without inspection and approval or after altering any tag or label attached thereto without the permission of the Director).

3217.2 Violation of any provision of an Act to establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures and Markets of the District of Columbia and for other purposes, D.C. Code §10-101 *et seq.* (1995 Repl. Vol.), or rule issued pursuant to that Act, which provision or rule is not cited elsewhere in this section, shall be a Class 3 infraction.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5751 (September 4, 1987).

3218 DCRA INSURANCE ADMINISTRATION INFRACTIONS

3218.1 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) D.C. Code §35-213(i) (failure to comply with a provision or rule concerning domestic stock insurance companies); or

- (b) D.C. Code §35-2010 (failure to comply with a rule issued pursuant to the Holding Company Act).

3218.2

Violation of any provision of the following statutes or rule issued pursuant thereto, which provision or rule is not cited elsewhere in this section, shall be a Class 3 infraction:

- (a) An Act to regulate Fraternal Benefit Associations within the District of Columbia, D.C. Code §35-1201 *et seq.* (1997 Repl. Vol.);
- (b) An Act to regulate insurance agents and brokers other than Fraternal Benefit Associations within the District of Columbia, D.C. Code §35-1301 *et seq.* (1997 Repl. Vol.);
- (c) An Act to regulate marine insurance within the District of Columbia, D.C. Code §35-1401 *et seq.* (1997 Repl. Vol.); or
- (d) The Fire and Casualty Act, D.C. Code §35-1501 *et seq.* (1997 Repl. Vol.).

SOURCE: Final Rulemaking published at 34 DCR 5736, 5752 (September 4, 1987).

3219

DCRA HEALTH FACILITY AND COMMUNITY RESIDENCE FACILITY INFRACTIONS

3219.1

Violation of any of the following provisions shall be a Class 2 infraction:

- (a) D.C. Code §32-1431 (unlawful discharge, transfer or relocation of a resident in a nursing home or community residence facility);
- (b) D.C. Code §32-1432 (failure to provide adequate notice to a resident and resident's representative upon discharge, transfer or relocation of the resident);
- (c) D.C. Code §32-1434 (failure to comply with a provision concerning discussion and counseling prior to a resident's discharge, transfer or relocation);
- (d) D.C. Code §32-1440(b) or 22 DCMR §3405 (failure to comply with a provision of the resident transfer and discharge plan or policy);
- (e) D.C. Code §32-1441 (failure of a facility to give proper notice that its license is being restricted, suspended, revoked or not renewed, or of the loss of Medicare or Medicaid certification);
- (f) 22 DCMR §3002.1 or 3004.1 (failure to obtain a license to operate a health care facility);
- (g) 22 DCMR §3002.9 (use of a license by any other person or at any place other than the location designated in the license);

- (h) 22 DCMR §3002.10 (failure to obtain approval prior to the transfer of a license);
- (i) 22 DCMR §3004.5 (failure to provide an annual budget, financial records or information or assurance concerning financial resources or insurance coverage);
- (j) 22 DCMR §3007.5 (failure to submit a notification of any change in the operation, program or service of a facility of a degree or character that may affect its licensure);
- (k) 22 DCMR §3017.1 (failure to provide a minimum ratio of one staff member to every fifteen (15) residents where all residents are ambulatory);
- (l) 22 DCMR §3101.1 or 3102.1 (failure to permit an inspection of the premises);
- (m) 22 DCMR §3200.1 (failure to employ a full-time administrator for five (5) consecutive days per week during regular business hours);
- (n) 22 DCMR §3202.1 (failure to admit and retain only those patients who can be treated safely and adequately within the limitation of the licensing requirements);
- (o) 22 DCMR §3203.2 (failure to secure immediate medical care and notify next of kin in a case of serious illness or accident);
- (p) 22 DCMR §3205.1 (failure to require that all personnel required to be licensed maintain current licensure);
- (q) 22 DCMR §3206 (failure to comply with a requirement for emergency care of patients);
- (r) 22 DCMR §§3208.1 to 3208.3 (failure to maintain required insurance coverage);
- (s) 22 DCMR §§3210.1 to 3210.5 (failure to comply with a requirement for maintaining administrative records);
- (t) 22 DCMR §§3213.1 to 3213.4, 3214.4 or 3301.1 (failure to provide a sufficient number of qualified nursing personnel);
- (u) 22 DCMR §3218.4 or §3415 (failure to comply with a provision concerning physical restraint or behavioral modification);
- (v) 22 DCMR §3218.12 (use of drugs as punishment, for convenience of the staff, as a substitute for therapeutic programs or in quantities that interfere with a patient's rehabilitation potential or activities of daily living);

- (w) 22 DCMR §3221.2 (failure to provide qualified dietary and food services personnel);
- (x) 22 DCMR §3223 (failure to comply with a requirement for therapeutic diets);
- (y) 22 DCMR §3226 (failure to comply with a requirement for pharmaceutical services);
- (z) 22 DCMR §3229 (failure to comply with a requirement for labeling and storage of medications);
- (aa) 22 DCMR §3235.1 (failure to establish and maintain a clinical record for each patient admitted to a facility);
- (bb) 22 DCMR §3240.1 or 3240.2 (failure to comply with an environmental requirement for skilled care facilities);
- (cc) 22 DCMR §§3242.3 to 3242.5 (failure to comply with a requirement for physical structures and construction);
- (dd) 22 DCMR §3246.1, 3246.2 or 3246.6 (failure to comply with a requirement for sewerage and solid waste disposal);
- (ee) 22 DCMR §3247.9 (use of a portable room heater, space heater or fireplace as a primary source of heat);
- (ff) 22 DCMR §3274 (failure to comply with a requirement for fire protection);
- (gg) 22 DCMR §3302.1 (failure to provide physical therapy service to meet the physical needs of a resident);
- (hh) 22 DCMR §3303.1 (failure to provide occupational and speech therapy services);
- (ii) 22 DCMR §3304.1 (failure to provide social services for a resident);
- (jj) 22 DCMR §3402.1 (failure to provide an adequate number of staff);
- (kk) 22 DCMR §3427.3 (failure to automatically control the temperature of hot water at fixtures used by residents or permitting water temperature to exceed one hundred ten degrees Fahrenheit (110° F.);
- (ll) D.C. Law 2-66, §402 (failure to comply with a requirement of environmental health standards);
- (mm) D.C. Law 2-66, §203 (failure to provide required insurance coverage);
- (nn) D.C. Law 2-66, §303 (failure to comply with staffing requirements);

- (oo) D.C. Law 2-66, §501 (failure to permit inspection of the premises and records maintained therein); or
- (pp) D.C. Law 2-66, §201 (failure to obtain a license for an ambulatory surgical treatment center).

3219.2 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 22 DCMR §3004.1 (failure to sign and affirm all statements in an application for licensure of a health care facility);
- (b) 22 DCMR §3008.2 (failure to renew a license);
- (c) 22 DCMR §3212.9 (failure to provide a comprehensive medical examination and evaluation of a patient at least every twelve (12) months);
- (d) 22 DCMR §3213.6 (failure to provide registered nurses on a twenty-four (24) hour basis, seven (7) days per week to supervise the nursing care of patients);
- (e) 22 DCMR §3215.1 (failure to provide a restorative nursing care program);
- (f) 22 DCMR §3217 (failure to comply with a provision for a nursing care plan);
- (g) 22 DCMR §3219.1 (failure to maintain an infection control committee);
- (h) 22 DCMR §3221.1 or §3221.4 (failure to provide qualified dietary and food services personnel);
- (i) 22 DCMR §3227 (failure to comply with a requirement for physician orders for medication);
- (j) 22 DCMR §3230.1 (failure to maintain a written agreement with a physician or licensed laboratory for obtaining required diagnostic services);
- (k) 22 DCMR §3230.2 (failure to promptly notify the physician who ordered the laboratory work of the test results);
- (l) 22 DCMR §3236.2 (failure to make a utilization review of admissions, duration of stay and professional services for the purpose of analyzing the medical necessity of the services);
- (m) 22 DCMR §3243 (failure to comply with a requirement concerning electrical systems);
- (n) 22 DCMR §3244 (failure to comply with a requirement concerning lighting);

- (o) 22 DCMR §3247 (failure to comply with a requirement concerning heating and cooling);
- (p) 22 DCMR §3248 (failure to comply with a requirement concerning ventilation or exhaust);
- (q) 22 DCMR §3249 (failure to comply with a requirement concerning acoustical insulation or noise reduction);
- (r) 22 DCMR §3250 (failure to comply with a requirement concerning elevators);
- (s) 22 DCMR §3251 (failure to comply with a requirement concerning walls, ceilings, floors or finishes);
- (t) 22 DCMR §3252 (failure to comply with a requirement concerning ramps, stairs and corridors);
- (u) 22 DCMR §3254 (failure to comply with a requirement concerning outdoor space);
- (v) 22 DCMR §3255 (failure to comply with a requirement concerning nursing design units);
- (w) 22 DCMR §3256 (failure to comply with a requirement concerning patient bedrooms);
- (x) 22 DCMR §3257 (failure to comply with a requirement concerning patient toilets or bathrooms);
- (y) 22 DCMR §3258 (failure to comply with a requirement concerning refreshment stations);
- (z) 22 DCMR §3259 (failure to comply with a requirement concerning patient recreation or social areas);
- (aa) 22 DCMR §3260 (failure to comply with a requirement concerning food service areas);
- (bb) 22 DCMR §3261 (failure to comply with a requirement concerning therapy service areas);
- (cc) 22 DCMR §3265.9 (failure to comply ground electrical equipment);
- (dd) 22 DCMR §3265.12 (failure to properly process contaminated laundry);
- (ee) 22 DCMR §3271.2 (failure to regularly maintain the building, equipment or grounds);
- (ff) 22 DCMR §3272.1 (failure to maintain a pest control program);

- (gg) 22 DCMR §3273.8 (failure to ensure that all containers or cylinders are securely racked and fastened at all times);
- (hh) 22 DCMR §3304.1 (failure to provide social services for a resident);
- (ii) 22 DCMR §3401.4 or §3401.5 (failure to comply with a medical coverage requirement);
- (jj) 22 DCMR §3402.3 (failure to comply with a provision concerning the medical examination of employees);
- (kk) 22 DCMR §3406 or §3207 (violating a resident's right);
- (ll) 22 DCMR §3424 (failure to comply with an environmental requirement for community residence facilities);
- (mm) 22 DCMR §3427 except §3427.3 (failure to comply with a requirement governing the water supply); or
- (nn) 22 DCMR §3433.1 or §3433.4 (failure to comply with a fire safety requirement).

3219.3 Violation of any provision of the following statutes, or rule issued pursuant thereto, which provision or rule is not cited elsewhere in this section, shall be a Class 4 infraction:

- (a) District of Columbia Nursing Home Community Residence Facility Residents' Protection Act of 1985, D.C. Code *et seq.* (1981);
- (b) District of Columbia Health Care and Community Residence Facilities Regulations, 22 DCMR, Chapters 30-34; or
- (c) District of Columbia Ambulatory Surgical Treatment Center Licensure Act, D.C. Law 2-66.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5752 (September 4, 1987).

3220 DCRA PHARMACEUTICAL AND MEDICAL DEVICES CONTROL DIVISION INFRACTIONS

3220.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) D.C. Code §2-2003(d) (operating, maintaining or establishing a pharmacy without a license);
- (b) D.C. Code §2-2003(f) (unlawfully using, displaying or affixing a sign bearing a word which indicates that the practice of pharmacy is being conducted);

- (c) D.C. Code §2-2008(c) (use of a pharmacy license for a location other than the one specified on the license);
- (d) D.C. Code §2-2009(d) (failure to report a burglary or damage to a pharmacy or its contents by fire, flood, or other cause; or dispensing, selling, or giving away a drug or other merchandise damaged by fire, flood, or other cause prior to approval);
- (e) D.C. Code §2-2010(a)(2) (furnishing false or misleading information, failing to furnish information, or refusing to allow an inspection);
- (f) D.C. Code §2-2010(a)(3) (selling or offering for sale an adulterated or misbranded drug or device);
- (g) D.C. Code §2-2012 (failure to comply with a provision governing a bulk sale or transfer of drugs or medical devices);
- (h) D.C. Code §2-2013(b) (selling drugs designated as "sample"); or
- (i) D.C. Code §2-2016(a) (failure to grant access for an inspection).

3220.2

Violation of any of the following provisions shall be a Class 2 infraction:

- (a) D.C. Code §2-2008(b) (failure to renew a pharmacy license);
- (b) D.C. Code §2-2008(d) (transferring a pharmacy license);
- (c) D.C. Code §2-2008(f) (failure to surrender a pharmacy license when a change of proprietorship occurs);
- (d) D.C. Code §2-2009(b) (failure of pharmacist on duty to control all professional aspects of the practice of pharmacy, or allowing the exercise of professional judgment by a non-pharmacist proprietor);
- (e) D.C. Code §2-2009(c)(1) (failure to securely enclose a pharmacy area to prevent unauthorized access when pharmacy hours vary from hours of other business operation);
- (f) D.C. Code §2-2009(c)(2) (failure to substantially construct the pharmacy and any storage area for prescription drugs outside of the pharmacy);
- (g) D.C. Code §2-2009(c)(3) (failure to securely lock and restrict access to pharmacy area to unauthorized persons);
- (h) D.C. Code §2-2009(c)(4) (failure to keep a key under the control of a pharmacist or authorized person);
- (i) D.C. Code §2-2010(a)(1) (failure to notify of a conviction of a felony or violation of a law or regulation of the District of Columbia or the United

States relating to drugs by a person named in the application for pharmacy licensure);

- (j) D.C. Code §2-2011(a)(1) (pharmacy personnel dispensing, manufacturing, or storing merchandise or drugs when infected with a communicable disease);
- (k) D.C. Code §2-2011(a)(2) (intentionally permitting a person to engage in work activities while infected with a communicable disease);
- (l) D.C. Code §2-2011(b) (working in a pharmacy when infected with a boil, infectious wound, sore or an acute respiratory infection; while wearing unclean garments; if suffering from chronic alcoholism; or without following hygienic work practices);
- (m) D.C. Code §2-2013(a) (failure to properly store a drug, or dispensing or selling a drug after the designated expiration data);
- (n) D.C. Code §2-2013(c) (reuse or resale of a returned drug);
- (o) D.C. Code §2-2014 (failure to dispense a drug in a suitable container, or improperly labeling a drug container);
- (p) D.C. Code §2-2015(a) (failure to maintain for inspection, during business hours, records of every prescription dispensed over a two-year (2 yr.) period);
- (q) D.C. Code §2-2015(b)(1) (failure to maintain for inspection, during business hours, bound volumes of required information concerning over-the-counter sales of Schedule V drug); or
- (r) D.C. Code §2-2015(b)(2) (failure to maintain for inspection, during business hours, bound volumes of required information concerning over-the-counter sales of hypodermic syringes, needles or other devices, diluents or adulterants, or gelatin capsules).

3220.3 Violation of D.C. Code §2-2009(a) (1994 Repl. Vol.) shall be a Class 4 infraction (failure to post pharmacist license in a conspicuous place while on duty or failure to conspicuously display hours of business on outside of pharmacy).

SOURCE: Final Rulemaking published at 34 DCR 5736, 5758 (September 4, 1987).

3221 DCRA PHARMACEUTICAL SECTION - DRUG PURITY INFRACTIONS

3221.1 Violation of D.C. Code §33-106 (1993 Repl. Vol.) shall be a Class 2 infraction (failure to furnish a sufficient sample of any drug or article of food for analysis).

SOURCE: Final Rulemaking published at 34 DCR 5736, 5761 (September 4, 1987).

3222

**DCRA SOCIAL SERVICE FACILITY DIVISION - CHILD CARE
SECTION INFRACTIONS**

3222.1

Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 29 DCMR §301.1 or 301.3 (failure to obtain a license to operate a child development facility);
- (b) 29 DCMR §301.9 (failure to obtain approval prior to the transfer of a license or permit);
- (c) 29 DCMR §302.3 (failure to provide accurate and valid information in an application for a license or permit);
- (d) 29 DCMR §306.1(b) (failure to comply with a federal or District law or regulation applicable to a child development facility);
- (e) 29 DCMR §306.1(c) (committing, aiding, abetting or permitting to be committed any act of dishonesty, fraud, gross negligence, abuse, assault, battery, or other illegal act in the operation of a facility);
- (f) 29 DCMR §311.1 or 311.2 (failure to permit an inspection of the premises);
- (g) 29 DCMR §315.1 or §§315.3 to 315.5 (failure to comply with a staffing requirement);
- (h) 29 DCMR §315.10 (failure to provide sufficient personnel to comply with a sanitation or safety standard);
- (i) 29 DCMR §316.1 or 316.2 (failure to maintain required child staff ratio);
- (j) 29 DCMR §322.1 (failure to provide sufficient playthings and toys);
- (k) 29 DCMR §322.2 (failure to provide playthings and toys that are sanitary, safe and in good repairs);
- (l) 29 DCMR §325.2 or 325.3 (admitting a child without a complete health examination report and appropriate immunizations);
- (m) 29 DCMR §325.4 (failure to maintain annual physical examination reports);
- (n) 29 DCMR §325.7 (failure to isolate a child who becomes ill and immediately notify the parent or guardian);
- (o) 29 DCMR §325.8 (failure to clean or disinfect a thermometer before and after use);
- (p) 29 DCMR §325.9 (failure to obtain an authorization from a parent or guardian for emergency medical treatment for a child);

- (q) 29 DCMR §325.10 (administering medicine or treatment, except emergency first aid, without a medical prescription and written parental or guardian consent);
- (r) 29 DCMR §325.12 or 325.13 (failure to comply with a health requirement for employees of a child development facility);
- (s) 29 DCMR §329.1 (failure to provide adequate toilet facilities);
- (t) 29 DCMR §329.4 (failure to provide soap and towels); or
- (u) 29 DCMR §330 (failure to comply with a health or safety requirement for a child development facility).

3222.2 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 29 DCMR §301.10 (failure to surrender a license or permit);
- (b) 29 DCMR §302.5 (failure to notify of a change in any fact stated in the application);
- (c) 29 DCMR §305.2 (failure to renew a license or permit for a child development facility);
- (d) 29 DCMR §317 (failure to comply with a child development center program requirement);
- (e) 29 DCMR §318.1 (failure to protect and store food properly);
- (f) 29 DCMR §318.2 (failure to provide nutritious meals and snacks);
- (g) 29 DCMR §320 (failure to comply with a requirement for caregivers in child development homes);
- (h) 29 DCMR §321 (failure to comply with a child development home program requirement);
- (i) 29 DCMR §§322.2 to 322.5 (failure to comply with a requirement concerning equipment or supplies for a child development home);
- (j) 29 DCMR §325.5 (failure to provide basic first aid equipment or supplies or to ensure that staff has been properly trained to administer emergency first aid);
- (k) 29 DCMR §325.6 (failure to conduct a daily inspection of an infant or child for any sign of illness);
- (l) 29 DCMR §325.5 (failure to comply with an applicable District law or regulation pertaining to the physical requirements of child development facilities);

- (m) 29 DCMR §§328.1 to 328.3 (failure to provide or maintain appropriate program space);
- (n) 29 DCMR §329.2 (failure to provide a step when a toilet or lavatory is not of a height to be used by a child without assistance); or
- (o) 29 DCMR §329.3 (failure to provide or sanitize a training chair or potty).

3222.3 Violation of any provision of the District of Columbia Child Development Facilities Regulation, 29 DCMR, Chapter 3, which provision or rule is not cited elsewhere in this chapter, shall be a Class 4 infraction.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5761 (September 4, 1987).

3223 DCRA SOCIAL SERVICE FACILITY DIVISION INFRACTIONS

3223.1 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 22 DCMR §301.1 (operating a tissue bank after May 25, 1963, without obtaining a license unless such bank is connected with a federal or District agency); or
- (b) 22 DCMR §302.4 (failure to designate a physician who shall be the operator of the tissue bank).

3223.2 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 22 DCMR §211.7 (failure to report a positive blood test for syphilis within twenty-four (24) hours);
- (b) 22 DCMR §301.4 (failure to sign and certify the application for licensure to operate a tissue bank);
- (c) 22 DCMR §302.1 (operating a tissue bank by a person other than a physician);
- (d) 22 DCMR §303.6 (unauthorized issuance of tissue);
- (e) 22 DCMR §304.1 (failure to maintain sanitary conditions); or
- (f) 22 DCMR §305.2 (failure to cooperate during an inspection).

3223.3 Violation of any provision of the District of Columbia Public Health and Medicine Regulation, 22 DCMR, Chapters 2 and 3, which provision or rule is not cited elsewhere in this chapter, shall be a Class 4 infraction.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5764 (September 4, 1987).

3224 DCRA ENVIRONMENTAL REGULATION ADMINISTRATION - AIR RESOURCES MANAGEMENT DIVISION INFRACTIONS

3224.1 The fine for failure to comply with New Source Performance Standards (20 DCMR §205.1), removal of asbestos without notification and failure to comply with prescribed federal and District asbestos rules (20 DCMR, Chapter 8) shall be as follows:

- (a) Two thousand five hundred dollars (\$2,500) for the first offense;
- (b) Five thousand dollars (\$5,000) for the second offense;
- (c) Ten thousand dollars (\$10,000) for the third offense; and
- (d) Twenty thousand dollars (\$20,000) for the fourth and each subsequent offense.

3224.2 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 20 DCMR §200.1 (failure to obtain air pollution construction permit or modification of stationary source, or installation or modification of any pollution control device on a stationary source);
- (b) 20 DCMR §200.2 (failure to obtain air pollution operation permit);
- (c) 20 DCMR §401.4 (failure to submit emergency episode abatement plan);
- (d) 20 DCMR §401.6 (failure to comply with emergency abatement plan);
- (e) 20 DCMR §501.1 (failure to install/maintain/operate monitor or provide monitoring information);
- (f) 20 DCMR §501.2 (failure to conduct ambient monitoring);
- (g) 20 DCMR §501.3 (failure to comply with ambient monitoring requirements);
- (h) 20 DCMR §502.10 (failure to comply with specification(s) for monitoring and recording equipment);
- (i) 20 DCMR §602.1 (incinerator not of multiple chamber design);
- (j) 20 DCMR §602.2 (operating an incinerator within prescribed standard);
- (k) 20 DCMR §602.3 (failure to comply with standard for existing incinerator);
- (l) 20 DCMR §602.5 (using unapproved incinerator built after July 7, 1972);

- (m) 20 DCMR §603.1 (failure to comply with PM emission limits);
- (n) 20 DCMR §603.3 (adding diluted air to the exhaust gas stream);
- (o) 20 DCMR §803.1 (failure to comply with sulfur process emission limit);
- (p) 20 DCMR §803.3 (adding diluted air to the exhaust gas stream);
- (q) 20 DCMR §805.5(b) (emitting NO_x at a rate greater than 0.30 lbs/mmBtu, on a calendar day average);
- (r) 20 DCMR §805.5(c) (emitting NO_x above the permissible emission rate);
- (s) 20 DCMR §805.5(e) (failure to maintain continuous compliance at all times);
- (t) 20 DCMR §805.6(a) (emitting NO_x at a rate greater than one hundred fifty (150) ppmvd at seven percent (7%) O₂ and CO at a rate greater than five hundred (500) ppmvd at seven percent (7%) O₂);
- (u) 20 DCMR §805.6(c) (failure to maintain continuous compliance at all times);
- (v) 20 DCMR §805.7(b) (failure to reduce emissions as required by RACT emission control plan); or
- (w) 20 DCMR §805.7(d) (failure to maintain continuous compliance at all times, or failure to install and operate a CEM).

3224.3

Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR §107.1 (no operative or effective air pollution control device);
- (b) 20 DCMR §107.2 (failure to provide notice of control equipment shutdown);
- (c) 20 DCMR §107.3 (failure to comply with notice);
- (d) 20 DCMR §107.4 (installation or use of any article, machine, equipment, device or contrivance which conceals an air pollution emission);
- (e) 20 DCMR §200.6 (failure to submit permit applications on the correct forms or supply necessary data and information);
- (f) 20 DCMR §202.2(b) (failure to observe permit terms or conditions);
- (g) 20 DCMR §301.1 (failure to submit a complete permit application within eight (8) months (one hundred fifty (150) tons per year sources only) or twelve (12) months after commencing operation);

- (h) 20 DCMR §301.1(a)(5) (failure to submit Phase II acid rain permit applications by Jan. 1, 1996 for SO₂ and by Jan. 1, 1998 for NO_x);
- (i) 20 DCMR §301.2 (failure to submit relevant facts or correct inaccurate information submitted in a permit application);
- (j) 20 DCMR §301.3(h) (failure to adhere to compliance plan);
- (k) 20 DCMR §302.1(c) (failure to maintain monitoring data/support information or to submit emission reports);
- (l) 20 DCMR §303.2 (operating after the time required to submit a timely and complete new permit application);
- (m) 20 DCMR §303.3 (operating after the time required to submit a timely and complete renewal permit application);
- (n) 20 DCMR §303.8(d) (failure to submit a final report or information verifying the discontinuation of activities due to the revocation/termination of permit);
- (o) 20 DCMR §500.1 (engage in operations which pollute the air without filing written reports);
- (p) 20 DCMR §500.2 (failure to maintain/provide records regarding emissions);
- (q) 20 DCMR §502.1 (failure to conduct air pollutant emissions test);
- (r) 20 DCMR §502.2 (failure to provide sampling facility/fuel sample);
- (s) 20 DCMR §502.4 (failure to submit test report);
- (t) 20 DCMR §502.5 (failure to perform NO_x, SO₂ or PM test accordingly);
- (u) 20 DCMR §600.1 (failure to comply with PM standard for fuel-burning equipment);
- (v) 20 DCMR §600.7 (blowing soot from coal fired boiler between 4 p.m. and 10 a.m.);
- (w) 20 DCMR §601.1 (selling/installing/using rotary cup burner);
- (x) 20 DCMR §601.2 (selling/using fuel oil in rotary cup burner);
- (y) 20 DCMR §602.6 (using incinerator between 4 p.m. and 10 a.m.);
- (z) 20 DCMR §606.1 (visible emission from stationary source);
- (aa) 20 DCMR §606.2 (visible emission from fuel-burning equipment);

- (bb) 20 DCMR §606.3 (failure to maintain/operate equipment);
- (cc) 20 DCMR §606.5 (failure to train/supervise personnel);
- (dd) 20 DCMR §700.2 (discharging more than fifteen pounds (15 lbs.) of photochemically reactive solvent in one day or more than three pounds (3 lbs.) in one hour, without eighty-five percent (85%) removal efficiency);
- (ee) 20 DCMR §700.3 (discharging more than forty pounds (40 lbs.) of non-photochemically reactive solvent in one day or more than eight pounds (8 lbs.) in one hour, without eighty-five percent (85%) removal efficiency);
- (ff) 20 DCMR §701.1 (failure to install/maintain/operate vapor recovery system on petroleum storage tank);
- (gg) 20 DCMR §701.4 (failure to store petroleum liquid properly);
- (hh) 20 DCMR §703.1 (failure to install/maintain/operate vapor recovery system on VOC loading facility);
- (ii) 20 DCMR §703.4 (failure to recover ninety percent (90%) of vapors into disposal system);
- (jj) 20 DCMR §705.1 (failure to use prescribed equipment during the transfer of gasoline to any vehicular fuel tank from any stationary storage container);
- (kk) 20 DCMR §709.1 (manufacturing, mixing, storing, using or applying cutback asphalt between April 1st and September 30th);
- (ll) 20 DCMR §710.4 (using inks exceeding the VOC limits);
- (mm) 20 DCMR §710.6 (using control devices with less than ninety percent (90%) VOC reduction efficiency);
- (nn) 20 DCMR §710.13 (failure to prevent leaking);
- (oo) 20 DCMR §710.11 (improper storage or disposal);
- (pp) 20 DCMR §800.1 (failure to meet requirements for asbestos abatement notification);
- (qq) 20 DCMR §801.1 (purchasing, selling, offering for sale, storing, transporting or using fuel oil which contains more than one percent (1%) sulfur);
- (rr) 20 DCMR §802.1 (purchasing, selling, offering for sale, storing, transporting or using coal which contains more than one percent (1%) sulfur);

- (ss) 20 DCMR §804.1 (failure to comply with NO_x standard for fuel burning equipment);
- (tt) 20 DCMR §805.3(a) (failure to submit an emission control plan prior to implementation of NO_x RACT, after one hundred eighty (180) days of being a major source);
- (uu) 20 DCMR §805.3(b) (failure to submit notification to comply with §805.8);
- (vv) 20 DCMR §805.4(b)(1) (failure to maintain in a logbook dates and hours of turbine operation);
- (ww) 20 DCMR §805.5(a) (failure to adjust combustion process according to §805.8);
- (xx) 20 DCMR §805.5(d) (failure to submit a compliance control plan);
- (yy) 20 DCMR §805.6(b) failure to submit an emission control plan); or
- (zz) 20 DCMR §805.8 (failure to adjust combustion process).

3224.4

Violation of any of the following provisions shall be a Class 3 violation:

- (a) 20 DCMR §502.6 (failure to test sulfur as per methods specified in 40 CFR §60.45(f)(5));
- (b) 20 DCMR §604.1 (open burning),
- (c) 20 DCMR §704.1 (failure to transfer volatile organic compounds or gasoline from delivery vessel to stationary source container as prescribed)
- (d) 20 DCMR §704.2 (Stage I vapor recovery system does not include a return line or condensation system);
- (e) 20 DCMR §704.4(a) (tank truck not refilled at facility with ninety percent (90%) vapor recovery system);
- (f) 20 DCMR §704.4(b) (failure to conduct annual tank truck leak test);
- (g) 20 DCMR §704.4(d) (failure to remove failed tank truck from service);
- (h) 20 DCMR §704.4(e) (failure to post leak test certificate on tank truck);
- (i) 20 DCMR §704.4(f) (loading/unloading tank truck with no certificate);
- (j) 20 DCMR §704.6 (operating delivery system/vessels with a vapor or liquid leakage);
- (k) 20 DCMR §708.1 (failure to utilize proper control for solvent cleaning);

- (l) 20 DCMR §708.2 (failure to utilize control for cold solvent cleaning);
- (m) 20 DCMR §708.3 (failure to utilize/maintain controls for open-top vapor/conveyorized cleaning);
- (n) 20 DCMR §708.4 (failure to utilize control for conveyorized degreaser);
- (o) 20 DCMR §710.9 (allowing VOC containing vessels to remain open unnecessarily);
- (p) 20 DCMR §900.1 (idling engine for more than three (3) minutes);
- (q) 20 DCMR §901.1 (visible emission for more than ten (10) seconds from vehicle); or
- (r) 20 DCMR §903.1 (emitting odorous/other air pollutant).

3224.5

Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 20 DCMR §605.1 (no precaution to minimize fugitive dust emissions);
- (b) 20 DCMR §605.1(a) (fugitive dust from unpaved road/roadway/parking lot);
- (c) 20 DCMR §605.1(b) (fugitive dust from paved road/roadway/parking lot);
- (d) 20 DCMR §605.1(c) (fugitive dust from vehicle transporting dusty material);
- (e) 20 DCMR §605.1(d) (fugitive dust from dirty vehicle);
- (f) 20 DCMR §605.1(e) (fugitive dust from demolition of building/structure);
- (g) 20 DCMR §605.1(f) (fugitive dust from removal of demolition debris);
- (h) 20 DCMR §605.1(g) (fugitive dust from loading/dusty material or sand-blasting);
- (i) 20 DCMR §605.1(h) (fugitive dust from stockpile of dusty material);
- (j) 20 DCMR §605.2(a) (fugitive dust from industrial operation);
- (k) 20 DCMR §605.2(b) (fugitive dust from heater-planer);
- (l) 20 DCMR §605.2(c) (fugitive dust from portable tar-melter);
- (m) 20 DCMR §605.2(d) (fugitive dust from venting of tunnelling operation);

- (n) 20 DCMR §605.2(e) (fugitive dust from cleaning with compressed gas);
- (o) 20 DCMR §605.3 (failure to comply with D.C. Law 2-23);
- (p) 20 DCMR §705.5(a) (balance system does not have vapor-tight return hose);
- (q) 20 DCMR §705.5(b) (balance system does not have vapor-tight seal);
- (r) 20 DCMR §705.5(c) (balance system does not have nozzle with no-seal/no-flow feature);
- (s) 20 DCMR §705.5(d) (balance system does not have nozzle for pressure shutoff feature);
- (t) 20 DCMR §705.5(e) (balance system does not have vapor hose with recirculation shutoff feature);
- (u) 20 DCMR §705.5(f) (balance system does not have device to keep vapor hose out of way/drained when not used);
- (v) 20 DCMR §705.6 (failure to maintain/operate balance system);
- (w) 20 DCMR §705.7 (refueling with nozzle not designed to automatically shutoff when tank is full);
- (x) 20 DCMR §705.9 (failure to maintain/operate Stage II vapor recovery system);
- (y) 20 DCMR §705.11 (failure to post operating instructions/warnings for Stage II vapor recovery system);
- (z) 20 DCMR §705.12 (failure to install/certified vapor control systems/components per required standards);
- (aa) 20 DCMR §706.2 (failure to install/operate solvent recovery dryer or equivalent);
- (bb) 20 DCMR §706.3 (failure to install/operate cartridge filter or equivalent);
- (cc) 20 DCMR §706.4 (failure to minimize emissions from stored still waste);
- (dd) 20 DCMR §706.5 (failure to repair solvent leak);
- (ee) 20 DCMR §706.11 (failure to conduct weekly leak inspection);
- (ff) 20 DCMR §707.1(a) (failure to exhaust perc dryer through carbon absorber);

- (gg) 20 DCMR §707.1(b) (failure to operate absorber at ninety percent (90%) efficiency);
- (hh) 20 DCMR §707.1(c) (failure to repair liquid leak);
- (ii) 20 DCMR §707.1(d) (more than twenty-five pounds (25 lb.) VOC/100 lb. filter waste);
- (jj) 20 DCMR §707.1(e) (more than sixty pounds (60 lb.) VOC/100 lb. still waste);
- (kk) 20 DCMR §707.1(f) (failure to drain cartridge filter for twenty-four (24) hours); or
- (ll) 20 DCMR §707.1(g) (failure to dry drain filter without emitting VOC).

3224.6 Violation of any of the following provisions shall be a Class 5 infraction:

- (a) 20 DCMR §200.6 (failure to submit permit applications on correct forms); or
- (b) 20 DCMR §705.8 ("topping-off" during refueling).

3224.7 Violation of any provision of the Air Quality Control Regulations, 20 DCMR Chapters 1 to 9, which provision or rule is not cited elsewhere in this section shall be a Class 4 infraction.

SOURCE: Final Rulemaking published at 44 DCR 1950, 1952 (April 7, 1997).

3225 DCRA ENVIRONMENTAL REGULATION ADMINISTRATION PESTICIDES BRANCH INFRACTIONS

3225.1 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR §1000.1 (using pesticide not registered with the U.S. Environmental Protection Agency);
- (b) 20 DCMR §1005.5 (improper use of a public applicator license);
- (c) 20 DCMR §1007.1 or 1010.1 (use of a pesticide in a manner inconsistent with its labeling, or in violation of a restriction imposed);
- (d) 20 DCMR §1007.2 (making a pesticide recommendation that is inconsistent with the labeling or in violation of the restrictions imposed);
- (e) 20 DCMR §1007.3 or 1007.9 (falsifying, refusing or neglecting to maintain required records);
- (f) 20 DCMR §1007.4 (use of fraud or misrepresentation in applying for a certificate or license);

- (g) 20 DCMR §1007.6 (making a false or fraudulent claim that misrepresents the effect of a pesticide or method to be utilized in its application);
- (h) 20 DCMR §1007.7 or 1010.2 (applying an ineffective or improper pesticide, or operating faulty or unsafe equipment);
- (i) 20 DCMR §1007.8 (using or supervising the use of a pesticide in a faulty, careless or negligent manner);
- (j) 20 DCMR §1007.10 (aiding, abetting or conspiring to evade pesticide laws);
- (k) 20 DCMR §1007.11 (making a fraudulent or misleading statement during or after an inspection of a pest infestation);
- (l) 20 DCMR §1007.13 (distributing an adulterated pesticide);
- (m) 20 DCMR §1007.14 or 1000.3 (failure to register a pesticide);
- (n) 20 DCMR §1008.1 (distributing any pesticide or device that is misbranded);
- (o) 20 DCMR §1008.6 (failure to provide registration number on pesticide labels as assigned under §7 of FIFRA);
- (p) 20 DCMR §1008.8 or 1008.14 (failure to comply with a provision concerning pesticide labeling);
- (q) 20 DCMR §1010.5 (failure to apply a pesticide so as to prevent harmful effects to the environment);
- (r) 20 DCMR §1011.1 (transporting, storing, discarding, disposing of any pesticide or pesticide container that causes injury to humans, vegetation, crops, livestock, wildlife, or insects, or that pollutes any waterway in a way harmful to wildlife in the waterway);
- (s) 20 DCMR §1011.3 (handling, transporting, storing, displaying or distributing a pesticide in a way which endangers the environment, man, food, feed, or any product);
- (t) 20 DCMR §1015.1 (performing fumigation without being a licensed applicator or without supervision by a licensed applicator);
- (u) 20 DCMR §1015.3 (failure to notify the nearest fire station and the Director prior to fumigation);
- (v) 20 DCMR §1015.7 (failure to provide a guard during fumigation);
- (w) 20 DCMR §1101.1 or 1100.2 (purchasing, using, or supervising the use of a restricted use pesticide without a license);

- (x) 20 DCMR §3200.1 or 3200.4 (failure to obtain an operator or applicator license);
- (y) 20 DCMR §3200.2 (permitting the use of any pesticide by persons who are not certified or registered);
- (z) 20 DCMR §3200.3 (licensed operator permitting the use of restricted pesticides by persons who are not certified or registered);
- (aa) 20 DCMR §3200.5 (transferring a pesticide operator license from one business to another);
- (bb) 20 DCMR §1302.2 (violating a "stop sale, use or removal" order);
- (cc) 20 DCMR §§1308.1 to 1308.3, 1308.5 to 1308.7, or 1308.11 to 1308.13 (failure to comply with a record keeping or reporting requirement); and
- (dd) 20 DCMR §1309.1 or §1309.3 (failure to maintain or provide records on restricted use pesticides); or
- (ee) 20 DCMR §1309.4 (selling or transferring any restricted use pesticide to any person other than a licensed applicator).

3225.2

Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 20 DCMR §1007.5 (refusing or neglecting to comply with a limitation or restriction on a certificate or license);
- (b) 20 DCMR §1007.12 (impersonating a federal, state, or District inspector or official);
- (c) 20 DCMR §1008.5 (offering for sale a pesticide under the name of another pesticide or imitation of another pesticide);
- (d) 20 DCMR §1010.6 (applying a pesticide when the wind velocity will cause the pesticide to drift beyond the target area);
- (e) 20 DCMR §1010.7 (displaying or offering for sale a pesticide in a container which is damaged or has an obscure label);
- (f) 20 DCMR §1010.8 (permitting an inspection for wood-destroying pests by an unlicensed operator);
- (g) 20 DCMR §1012.1 (failure to inform an employee of the hazards and the proper use of preventive steps when applying pesticides);
- (h) 20 DCMR §1012.2 (failure to provide safety equipment and protective clothing);

- (i) 20 DCMR §1012.3 (failure to inform an employee of reentry requirements and provide protective clothing if premature reentry is necessary);
- (j) 20 DCMR §1015.2, 1015.9 or 1015.10 (failure to comply with a requirement when introducing a fumigant by applicator);
- (k) 20 DCMR §1015.5 (failure to post warning signs for fumigation);
- (l) 20 DCMR §1111.1 (applying a pesticide without the supervision of a licensed applicator);
- (m) 20 DCMR §3203.3, 3203.6 or 3203.7 (failure to comply with liability insurance requirements);
- (n) 20 DCMR §1307.3 (failure to renew a license); or
- (o) 20 DCMR §1309.2 (failure to provide copies of the records as required by §1309.1).

3225.3

Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 20 DCMR §1000.3 (failure to register a pesticide product in the District of Columbia);
- (b) 20 DCMR §1004.1 (application of a pesticide by an unregistered employee);
- (c) 20 DCMR §1004.4 or 1004.5 (failure to register an employee who works under the direct supervision of a licensed, certified applicator within thirty (30) days of employment);
- (d) 20 DCMR §1008.4 (failure to comply with a package or container requirement);
- (e) 20 DCMR §1010.3 (use of a pesticide container for a purpose other than containing the original product);
- (f) 20 DCMR §1010.4 (failure to provide an anti-siphon device for equipment);
- (g) 20 DCMR §1100.7, 1100.8, 3200.8 or 3200.9 (failure to post or make accessible a license or permit);
- (h) 20 DCMR §1106.4 (failure of applicator to submit the applicator's credentials and license after termination of employment);
- (i) 20 DCMR §1106.5 (failure to notify the Director of the termination of an employee or return a terminated employee's credentials and documents to the Director);

- (j) 20 DCMR §1111.7 (failure to have pesticide labels at job site);
- (k) 20 DCMR §3200.6 (failure to surrender a pesticide operator's credentials and license within ten (10) days of termination); or
- (l) 20 DCMR §3202.4 (failure to notify the Director when supervision by a licensed certified applicator is not available).

3225.4 Violation of any provision of the District of Columbia Pesticide Operations Act of 1977, 20 DCMR, Chapters 10-13, which provision is not cited elsewhere in this section, shall be a Class 5 infraction.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5766 (September 4, 1987); as amended by Final Rulemaking published at 38 DCR 1, 4 (January 4, 1991); and by Final Rulemaking published at 44 DCR 1950, 1960 (April 7, 1997).

3226 DCRA HOUSING INSPECTION DIVISION INFRACTIONS

3226.1 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) D.C. Code §5-601 (failure to secure or repair an unsafe structure);
- (b) D.C. Code §5-603 (attempting to repair after expiration of allowed period, or interfering with authorized agents);
- (c) D.C. Code §5-604 (allowing a nuisance to exist on any lot or parcel of land in the District of Columbia which affects the public health, comfort, safety and welfare of citizens);
- (d) 14 DCMR §103.2 (removal of placard by an unauthorized person);
- (e) 14 DCMR §103.3 (permitting the occupancy of an apartment or tenement thirty (30) days or more after the posting of a placard);
- (f) 14 DCMR §104.1 (refusal to permit any designated agent of the District entry into the premises);
- (g) 14 DCMR §104.4 (refusal to permit inspection of premises);
- (h) 14 DCMR §400.1 (permitting the occupancy of any habitation in violation of 14 DCMR, Chapter 4);
- (i) 14 DCMR §400.7 (renting a habitation in a building in which noxious gases or offensive odors are generated by a commercial activity);
- (j) 14 DCMR §402.4 (permitting a sleeping facility to be located in a room with a furnace, open flame, space heater, domestic water heater, or gas meter);
- (k) 14 DCMR §403.1 (unlawful use of uninhabitable rooms);

- (l) 14 DCMR §500.1 (failure to provide adequate heating, ventilating, or lighting facility);
- (m) 14 DCMR §501.2 (failure to provide and maintain a heating facility capable of maintaining a temperature of seventy degrees Fahrenheit (70° F.) in a building or part of a building used for habitation);
- (n) 14 DCMR §501.4 (failure to supply sufficient heat);
- (o) 14 DCMR §501.6 or 501.7 (failure to comply with the inspection, correction of defects and certification requirements);
- (p) 14 DCMR §510 (failure to comply with a requirement concerning air conditioning maintenance);
- (q) 14 DCMR §600.1 (failure to provide required facilities, utilities and fixtures);
- (r) 14 DCMR §600.3 (failure to provide utility service);
- (s) 14 DCMR §606.3 or 606.4 (failure to comply with the inspection, correction of defects and certification requirements);
- (t) 14 DCMR §701.3 (failure to use a repair material of suitable kind or quality, or to perform or repair in a workmanlike manner);
- (u) 14 DCMR §702.2 (failure to maintain smoke pipe or chimney which is adequately supported and free from leakage or obstruction);
- (v) 14 DCMR §702.4 (permitting to exist on premises a chimney on which the total area of all flue openings exceeds the net area of the flue);
- (w) 14 DCMR §704.1 (permitting to exist on premises a foundation or structural member that fails to provide a safe, firm and substantial base and support for the structure at all points);
- (x) 14 DCMR §707.3 (permitting an unlawful quantity of lead to be present on an interior or exterior surface of a residential premise);
- (y) 14 DCMR §708.5 (failure to install or maintain required porch balustrade or other guard);
- (z) 14 DCMR §901.1 (failure to maintain fire extinguishing equipment in an operable condition);
- (aa) 14 DCMR §901.2 (failure to maintain fire proofing or fire protective construction in a good state of repair);
- (bb) 14 DCMR §902.1 (failure to maintain an egress facility in a good state of repair);

- (cc) 14 DCMR §902.3 (failure to maintain a fire door in an openable condition);
- (dd) 14 DCMR §902.4 (failure to maintain a public or exit corridor free of obstruction);
- (ee) 14 DCMR §903.1 (failure to maintain an exit or emergency light in an operable condition);
- (ff) 14 DCMR §903.2 (failure to maintain a lighted exit or emergency light);
- (gg) 14 DCMR §904.1 (failure to maintain a fire alarm system in an operable condition);
- (hh) 14 DCMR §904.2 (failure to provide or maintain a sign concerning the operation of the local fire alarm system at each striking station);
- (ii) 14 DCMR §904.3 (failure to properly post and maintain a sign concerning fires);
- (jj) 14 DCMR §904.4 (failure to properly install a smoke detector or otherwise comply with the Smoke Detector Act of 1978, D.C. Law 2-81);
- (kk) 14 DCMR §905.1 (permitting a rag or refuse material to be deposited or remain in a dwelling);
- (ll) 14 DCMR §905.2 (failure to maintain premises free of combustible refuse or debris, accumulated grease, or oil spillage);
- (mm) 14 DCMR §905.3 (permitting the accumulation of combustible junk);
- (nn) 14 DCMR §906.2 (permitting the installation or maintenance of a heating or cooking facility in violation of District law);
- (oo) 14 DCMR §906.5 (failure to connect an oil heater to a flue or install an oil heater in compliance with the Fire Prevention Code);
- (pp) 14 DCMR §906.5 (permitting the placement of ashes in a combustible receptacle, or on or against a combustible material);
- (qq) 14 DCMR §906.7 (failure to maintain an incinerator, shaft, spark arrestor or hopper door in a fire-safe condition);
- (rr) 14 DCMR §906.8 (failure to maintain a gas meter room free from combustible material or to properly ventilate a gas meter room);
- (ss) 14 DCMR §1001.1 (failure to designate a manager or other person who is responsible for the premises);

- (tt) 14 DCMR §1001.2 (failure of the designated manager to reside on the premises and have complete charge of the premises);
- (uu) 14 DCMR §1003.4 (failure to ensure access to a rooming unit at any reasonable hour);
- (vv) 14 DCMR §1004.3 or 1114.1 (failure to conspicuously color a preparation used for exterminating vermin, or store such a preparation in a container clearly labeled "POISON");
- (ww) 14 DCMR §1004.3 or 1114.2 (permitting a container of poison to be placed with a receptacle containing a food substance);
- (xx) 14 DCMR §1111.1 (permitting the storage or display of food or drink which is not protected from contamination);
- (yy) 14 DCMR §1113.3 (permitting the storage or service of shellfish from a source not approved by the U.S. Public Health Service);
- (zz) 14 DCMR §1114.3 (permitting the use of a substance containing poison to clean or polish eating or cooking utensils);
- (aaa) 14 DCMR §1115.4 (permitting the employment of a food handler afflicted with a communicable disease);
- (bbb) 14 DCMR §1201.1 (failure to maintain an office or agent in the District of Columbia);
- (ccc) 14 DCMR §1205.1 (failure to maintain elevators in good working order);
- (ddd) 14 DCMR §1301.1 (failure to designate a manager or other person who shall superintend the operation of a hotel or motel); or
- (eee) 14 DCMR §1401.1 (permitting the use of a structure for other than a one-family dwelling without a valid Certificate of Occupancy).

3226.2 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 14 DCMR §400.2 (failure to advise the tenant of the maximum number of occupants permitted in the habitation);
- (b) 14 DCMR §400.3 (renting or offering to rent a habitation that is not clean, safe, and free of vermin and rodents);
- (c) 14 DCMR §400.4 (owner fails to provide and maintain the required facilities, utilities and services);
- (d) 14 DCMR §400.8 (permitting the use of a structure as a tenement unit or tenement house);

- (e) 14 DCMR §405.2 (permitting more than fifty percent (50%) of the total habitable space in a room having a sloping ceiling);
- (f) 14 DCMR §405.3 (failing to comply with a requirement concerning ceiling height in a habitable room);
- (g) 14 DCMR §405.4 (habitable room does not have a minimum clear head room of six feet eight inches (6 ft. 8 in.) under pipes or other construction projects);
- (h) 14 DCMR §406 (permitting the subdivision of a habitable room in violation of 14 DCMR §406);
- (i) 14 DCMR §404.1 (permitting any room with more than fifty percent (50%) of any exterior wall area to be used as a habitable room);
- (j) 14 DCMR §404.3 (failure to comply with the requirements of this section when altering any building in existence prior to June 9, 1960);
- (k) 14 DCMR §404.4 (failure to obtain a permit for building alterations and conform to requirements of the *BOCA National Building Code 1990* and the *D.C. Building Code Supplement of 1992*, 12A DCMR);
- (l) 14 DCMR §404.5 (areaways constructed on buildings erected after June 9, 1960, does not comply with requirements of the Building Code and Zoning Regulations);
- (m) 14 DCMR §500.2 (failure to properly or safely install, or maintain in a safe and working condition, a required facility);
- (n) 14 DCMR §501.1 (failure to provide and maintain adequate eating facilities);
- (o) 14 DCMR §501.3 (providing a heating facility that does not permit the temperature to be maintained at or below the maximums established by 14 DCMR §501.3);
- (p) 14 DCMR §502 (failure to comply with a lighting requirement for habitable rooms);
- (q) 14 DCMR §503.1 (failure to maintain a yard surrounding a habitation free of light obstruction);
- (r) 14 DCMR §504.1 (failure to provide or maintain adequate bathroom lighting);
- (s) 14 DCMR §505.2 (failure to provide or maintain required artificial illumination of a hallway or stair);
- (t) 14 DCMR §506.1 (failure to provide required natural or mechanical ventilation for each habitable room);

- (u) 14 DCMR §506.3, 506.4, 506.5, 506.8, or 506.9 (failure to comply with a requirement concerning the ventilation of habitable rooms);
- (v) 14 DCMR §506.7 (failure to provide or maintain required openable area in case of mechanical ventilation failure);
- (w) 14 DCMR §506.10 (permitting a prohibited recirculation of air);
- (x) 14 DCMR §506.11 (permitting air from prohibited locations to be drawn into a habitable room);
- (y) 14 DCMR §509.1 (permitting a prohibited obstruction of ventilation);
- (z) 14 DCMR §600.2 (failure to properly install each facility, utility, or fixture);
- (aa) 14 DCMR §600.4 (failure to maintain in a safe and good working condition a facility for cooling, storing, or refrigerating food);
- (bb) 14 DCMR §601 (failure to comply with a requirement concerning plumbing facilities);
- (cc) 14 DCMR §602.1 (failure to provide a lavatory, water closet and bathing facilities for each dwelling unit);
- (dd) 14 DCMR §602.2 or 602.3 (failure to provide a sufficient number of bathing facilities);
- (ee) 14 DCMR §606.1 or 606.2 (failure to comply with a requirement concerning water heating facilities);
- (ff) 14 DCMR §701.1 (failure to maintain all structures located on a premise in a sanitary and structurally sound condition);
- (gg) 14 DCMR §702.1 (failure to maintain a roof so that it does not leak, and so that rain water is properly drained therefrom);
- (hh) 14 DCMR §702.6 (failure to provide a flue opening with a flue crock, or with a metal or masonry thimble);
- (ii) 14 DCMR §705.6 (permitting to exist on premises a window, window frame, door, or door frame which does not completely exclude rain and substantially exclude wind);
- (jj) 14 DCMR §§708.1 to 708.4, §§708.7 to 708.9, or §708.11 (failure to comply with a requirement concerning stairways, steps, guardrails, or porches);

- (kk) 14 DCMR, Chapter 8 (failure to comply with a requirement concerning the cleanliness and sanitation of premises occupied for residential purposes);
- (ll) 14 DCMR §900.2 (failure to afford protection against accident to a person in or about premises on which there is an unoccupied or uncompleted building);
- (mm) 14 DCMR §901.3 (failure to submit fire inspection report or correct cited violations);
- (nn) 14 DCMR §905.4 (permitting the accumulation of combustible junk);
- (oo) 14 DCMR §907.1 (failure to properly notify the Fire Department of a fire);
- (pp) 14 DCMR §1003.1 or 1003.2 (failure to provide an entrance door lock or key thereto);
- (qq) 14 DCMR §1003.3 (failure to retain a duplicate key);
- (rr) 14 DCMR §1005.4 (failure to maintain clean and sanitary bedding);
- (ss) 14 DCMR §1005.5 or 1005.6 (failure to provide required clean linens and towels);
- (tt) 14 DCMR §1103.1 or 1103.3 (operating a boarding house without first qualifying for a Manager's Certificate);
- (uu) 14 DCMR §1104.1 (permitting a sleeping facility to exist in a room where food is prepared, served, or stored, or where utensils are washed or stored);
- (vv) 14 DCMR §1104.2 (permitting the use of a room for sleeping without required ceiling clearance over floor area);
- (ww) 14 DCMR §1104.5 (failure to maintain clean and sanitary bedding);
- (xx) 14 DCMR §1104.6 or 1104.7 (failure to provide required clean linens and towels);
- (yy) 14 DCMR §1106 or 107 (failure to comply with a requirement concerning the construction, maintenance, or ventilation of rooms in which food or drink is stored, prepared, or served, or in which utensils are washed or stored);
- (zz) 14 DCMR §1109 (failure to comply with a requirement concerning food preparation or dishwashing facilities);
- (aaa) 14 DCMR §1110 (failure to comply with a requirement concerning storage or handling utensils or the use of kitchens);

- (bbb) 14 DCMR §§1111.2 to 1111.4 (failure to comply with a requirement concerning the storage or handling of food);
- (ccc) 14 DCMR §1112 (failure to comply with a requirement concerning refrigeration equipment or the refrigeration of food or drink);
- (ddd) 14 DCMR §1113.1, 1113.2, or 1113.4 (failure to comply with a requirement concerning food, drink, service of milk, or the construction of cream dispensers);
- (eee) 14 DCMR §1116 (failure to comply with a requirement concerning employee cleanliness);
- (fff) 14 DCMR §1117 (failure to comply with a requirement concerning lavatory facilities);
- (ggg) 14 DCMR §1118.2 (failure to keep a soiled linen, coat, or apron in a vermin-proof container);
- (hhh) 14 DCMR §1201.2 (failure to submit a timely notification to the Director of any change in the appointment of a general agent, manager or attorney);
- (iii) 14 DCMR §1205.3 (failure to comply with the Elevator Code when altering, repairing or replacing elevator service);
- (jjj) 14 DCMR §1302 (failure to comply with a requirement concerning registration of occupants);
- (kkk) 14 DCMR §1303 (failure to comply with a requirement concerning room keys);
- (lll) 14 DCMR §1304 (failure to comply with a requirement concerning the cleaning and maintenance of hotel or motel rooms);
- (mmm) 14 DCMR §1305 (failure to comply with a requirement concerning the posting of permissible occupancy rates);
- (nnn) 14 DCMR §1304 (failure to comply with a requirement concerning the maximum permissible occupancy of hotel or motel rooms);
- (ooo) 14 DCMR §1308 (failure to comply with a security requirement concerning high density use of hotel or motel rooms);
- (ppp) 14 DCMR §1307, 1309, or 1310 (failure to comply with a requirement concerning the high density use of hotel or motel rooms); or
- (qqq) 14 DCMR §1311 (failure to comply with a requirement concerning the high density use of hotel or motel bathroom facilities).

3226.3

Violation of any of the following provisions shall be a Class 4 infraction:

- (a) D.C. Code §6-1101 (failure to remove weeds greater than four inches (4 in.) in height);
- (b) 14 DCMR §401.1 (failure to provide required occupant access to common space);
- (c) 14 DCMR §401.2 (failure to locate a watercloset, shower, or bathtub in a room so as to afford privacy);
- (d) 14 DCMR §401.3 (failure to provide required occupant access to a bathroom or sleeping room);
- (e) 14 DCMR §§402.1 to 402.3 (failure to comply with occupancy requirements);
- (f) 14 DCMR §507 (failure to comply with a requirement concerning the ventilation of bathrooms);
- (g) 14 DCMR §508 (failure to maintain a mechanical ventilation system in safe and good working condition or in constant operation);
- (h) 14 DCMR §603 (failure to comply with a requirement concerning waterproof floors in toilets);
- (i) 14 DCMR §604 (failure to comply with a requirement concerning access to bathrooms);
- (j) 14 DCMR §605 (failure to comply with a requirement concerning electrical outlets);
- (k) 14 DCMR §607.2 (failure to provide a required lock or key to a habitation door, or to maintain a lock in good repair);
- (l) 14 DCMR §701.2 (failure to maintain a walkway in good repair, free of holes, and safe for walking purposes);
- (m) 14 DCMR §702.3 (permitting to exist on premises a chimney which is not reasonable plumb);
- (n) 14 DCMR §702.5 (failure to close a chimney opening which is not required);
- (o) 14 DCMR §703 (failure to comply with a requirement concerning gutters or drainage);
- (p) 14 DCMR §704.2 (failure to maintain exterior walls in a structurally sound condition);
- (q) 14 DCMR §704.3 (failure to keep a masonry wall pointed);

- (r) 14 DCMR §705.1 (failure to supply a window with window panes that are free of open cracks and holes);
- (s) 14 DCMR §705.4 (permitting to exist on premises a door, transom, side light, skylight, door hinge, or door latch which is not in good condition);
- (t) 14 DCMR §705.5 (failure to comply with a requirement concerning an exterior door);
- (u) 14 DCMR §705.7 (failure to construct or maintain a basement hatchway so as to prevent the entrance of rodents, rain, or surface drainage water into a dwelling);
- (v) 14 DCMR §706 (failure to comply with a requirement concerning interior walls, floors, or ceilings);
- (w) 14 DCMR §708.6 or 708.10 (failure to provide a required balustrade or other guard);
- (x) 14 DCMR §903.3 (failure to maintain an exit directional sign);
- (y) 14 DCMR §1002 (failure to comply with a requirement concerning registration or room assignment);
- (z) 14 DCMR §1004.1 (permitting food in a sleeping room to be kept in a container which is not vermin-proof);
- (aa) 14 DCMR §1005.1 (permitting the use of a sleeping room with inadequate ceiling clearance);
- (bb) 14 DCMR §1101 (failure to comply with a requirement concerning resident managers);
- (cc) 14 DCMR §1102 (failure to comply with a requirement concerning registration or room assignment);
- (dd) 14 DCMR §1105 (failure to comply with a requirement concerning room keys);
- (ee) 14 DCMR §1108 (failure to comply with a lighting requirement);
- (ff) 14 DCMR §1118.1 (failure to provide adequate lockers or dressing rooms);
- (gg) 14 DCMR §1202.1 (failure to timely establish and maintain tenant register);
- (hh) 14 DCMR §1203 (failure to comply with a requirement concerning the posting of building management information); or

- (ii) 14 DCMR §1204.3 (failure to provide a secure, approved mail receptacle).

3226.4 Violation of any provision of the Housing Regulations of the District of Columbia, 14 DCMR, Chapters 1-14, which provision is not cited elsewhere in this section, shall be a Class 5 infraction.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5769 (September 4, 1987); as amended by 38 DCR 1, 7 (January 4, 1991).

3227 DCRA RENTAL ACCOMMODATIONS AND CONVERSION DIVISION

3227.1 A violation of D.C. Code §45-2591(b)(3) (1996 Repl. Vol.) which is based upon a violation of D.C. Code §45-2518(a)(1)(c) (1996 Repl. Vol.) (increasing rent when not properly licensed) shall be a Class 2 infraction.

3227.2 A violation of D.C. Code §45-2591(b)(3) (1996 Repl. Vol.) which is based upon a violation of any of the following provisions shall be a Class 3 infraction:

- (a) D.C. Code §45-2515(f) (failure to timely register);
- (b) D.C. Code §45-2515(g) (failure to file an amended registration form);
or
- (c) D.C. Code §45-2551 (failure to comply with a requirement concerning evictions).

SOURCE: Final Rulemaking published at 34 DCR 5736, 5779 (September 4, 1987).

3228 DCRA BUILDING INSPECTION DIVISION-BOILER INSPECTION BRANCH INFRACTIONS

3228.1 Violations of any of the following provisions shall be a Class 2 infraction:

- (a) 13B DCMR§106.1 (failure to obtain a Certificate of Inspection);
- (b) 13B DCMR§201.1 (failure to obtain an installation permit); or
- (c) 13B DCMR§203.1 (improper location or clearance of a boiler).

3228.2 Violation of 13B DCMR §107.3 (failure to make a timely repair, alteration, or cleaning specified in a notice of deficiency) shall be a Class 3 infraction.

3228.3 Violation of any provision of the Boiler Inspection Act of the District of Columbia, D.C. Code §1-1001 *et seq.* (1992 Repl. Vol.), or rule issued pursuant to that Act, which provision or rule is not cited elsewhere in this section, shall be a Class 4 infraction.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5780 (September 4, 1987).

3229 DCRA ZONING DIVISION INFRACTIONS

3229.1 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 11 DCMR §400.1, 530.1, 630.1, 770.1, 840.1, 930.1, or 3203.1 (failure to conform with a height requirement for buildings in residential, special purpose, waterfront, mixed use, capitol interest, commercial or industrial districts);
- (b) 11 DCMR §3203.1 (use of any structure, land, or part thereof for any purpose other than a one-family dwelling until a certificate of occupancy has been issued); or
- (c) 11 DCMR §§3204.1 to 3204.5 (failure to comply with conditions of the Board of Zoning Adjustment orders and Zoning Commission orders).

3229.2 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 11 DCMR §101.6 (failure to comply with a provision concerning the subdivision of a lot);
- (b) 11 DCMR §§402.4, 631.1, 771.2, 841.1, 931.1 to 931.3 or 3203.3 (failure to comply with a provision concerning floor areas ratios in residential, waterfront, mixed use, capitol interest, commercial or industrial districts);
- (c) 11 DCMR §531.1 (failure to comply with a provision concerning floor area ratios in special purpose districts);
- (d) 11 DCMR §2100.1 or 2117.1 (failure to provide or maintain accessory parking);
- (e) 11 DCMR §2117.2 (failure to obtain Board of Zoning Adjustment approval prior to reducing required accessory parking);
- (f) 11 DCMR §2119.1 (failure to provide bicycle parking spaces when required);
- (g) 11 DCMR §2200.1 or 2204.2 (failure to provide or maintain a loading berth, loading platform or service/delivery loading space);
- (h) 11 DCMR §2303.1(b) (failure to design a parking lot so that no vehicle projects over any lot or building line); or
- (i) 11 DCMR §2505.1 (failure to comply with a provision concerning the excavation of rock for commercial purposes or the operation of a rock quarry).

3229.3 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 11 DCMR §403.2, 532.1, 634.1, 772.1, or 932.1 (failure to comply with a provision concerning the percentage of lot occupancy allowed in residential, special purpose, waterfront, mixed use or commercial districts);

- (b) 11 DCMR §404.1, 534.2, 636.3, 774.1, 842.2 to 842.6, 933.2 or 933.3 (failure to comply with a provision concerning rear yards in residential, special purpose, waterfront, mixed use, commercial or industrial districts);
- (c) 11 DCMR §405, 535.2 to 535.4, 637.2, 775.2 to 775.5, 843.2, or 934.2 (failure to comply with a provision concerning side yards in residential, special purpose, waterfront, mixed use, commercial or industrial districts);
- (d) 11 DCMR §533, 635, or 773 (failure to comply with a provision concerning recreation spaces in special purpose, mixed use, or commercial districts);
- (e) 11 DCMR §2116.1 to 2116.4, or 2116.8 (failure to comply with a provision concerning the location of parking spaces);
- (f) 11 DCMR §2117.3 (failure to stripe and line all required parking spaces);
- (g) 11 DCMR §2117.11 (failure to provide landscaping for parking spaces when required);
- (h) 11 DCMR §2117.12 (failure to properly screen all open parking spaces when required);
- (i) 11 DCMR §2119.3 (failure to provide clean, secure and convenient bicycle facilities);
- (j) 11 DCMR §2119.8 (failure to post a sign stating where bicycle parking spaces are located in the building when such spaces are required);
- (k) 11 DCMR §2303.1(f) (failure to keep parking lot free of refuse and debris);
- (l) 11 DCMR §2504.1(f) (failure to comply with a provision concerning prohibiting the removal of topsoil or sod); or
- (m) 11 DCMR §3203.3 (failure to conspicuously post a certificate of occupancy).

3229.4 Violation of any provision of an Act providing for the zoning of the District of Columbia and regulation of the location, height, bulk and uses of buildings and other structures and of the uses of land in the District of Columbia, Title 11 DCMR, which provision or rule is not cited elsewhere in this section, shall be a Class 5 infraction.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5780 (September 4, 1987).

3230 DCRA HOUSING INSPECTION DIVISION NOISE INFRACTIONS

3230.1 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR §3001.1 (causing or permitting sounds emanating from operations, activities or other sources under one's control to exceed the maximum noise level);

- (b) 20 DCMR §3100.2 (using, operating, or permitting to be used any musical instrument device, loud speaker, sound amplifier, or other device in excess of the maximum noise level);
- (c) 20 DCMR §3102.1 (permitting noise levels resulting from construction or demolition to exceed the maximum noise level);
- (d) 20 DCMR §3103.2 (permitting noise to emanate from construction, excluding home repairs within residential, special purpose, or waterfront zone on any Sunday or legal holiday, or after 7:00 p.m., and before 7:00 a.m., on any weekday);
- (e) 20 DCMR §3104.2 (permitting blasting with explosives on any Sunday or legal holiday or at nighttime on weekdays, without a special permit);
- (f) 20 DCMR §3106.2 (operating or permitting the operation of any refuse collection vehicle in any residential, special purpose, or waterfront zone at nighttime or any day of the week);
- (g) 20 DCMR §3110.1 (selling or offering to sell a new motor vehicle or motor cycle that is to be registered for use upon the public highway that exceeds the maximum noise levels; or
- (h) 20 DCMR §3110.1 (failure of the manufacturer, distributor, importer or his or her designated agent to certify in writing to the Mayor that all motor vehicles or motorcycles sold by him or her in the District comply with the applicable maximum noise levels).

3230.2 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 20 DCMR §3003.3 (permitting noise to emanate from railroad cars operated by the Washington Metropolitan Area Transit Authority to exceed the maximum noise level);
- (b) 20 DCMR §3101.2 (permitting noise resulting from the use of any air-conditioning, refrigerator, heat pump, fan, swimming pool equipment, or other mechanical equipment to exceed the maximum noise level);
- (c) 20 DCMR §3111.5 (operating a motor vehicle equipped with an engine speed governor that generates a sound level in excess of the maximum noise level);
- (d) 20 DCMR §3112.1 (modifying or altering the exhaust system of a motor vehicle or motorcycle in a manner that will amplify or increase the noise emitted by the vehicle in excess of the maximum noise level); or
- (e) 20 DCMR §3112.2 (using, operating a motor vehicle or a motorcycle having an exhaust system that has been modified or altered in a manner that will increase the noise emitted by the vehicle above the maximum noise level);

- 3230.3** Violation of any provision of the District of Columbia Noise Control Regulations, 20 DCMR, Chapters 30 to 32, which provision or rule is not cited elsewhere in this section, shall be a Class 4 infraction.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5783 (September 4, 1987).

3231 DCRA BUILDING CONSTRUCTION BRANCH INFRACTIONS

- 3231.1** Violation of D.C. Code §5-425 (1994 Repl. Vol.) (erecting, constructing, reconstructing, converting, or altering any building or structure or part thereof within the District of Columbia without obtaining a building permit), shall be a Class 2 infraction.

SOURCE: Final Rulemaking published at 34 DCR 5736, 5784 (September 4, 1987).

3232 DCRA ENVIRONMENTAL REGULATION ADMINISTRATION - WATER RESOURCES MANAGEMENT DIVISION INFRACTION

- 3232.1** Violation of D.C. Code §6-922 (1995 Repl. Vol.) (discharge of pollutants to the waters of the District without a permit) shall be a Class 1 infraction.

- 3232.2** Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 19 DCMR §1503.1(a) (introducing a species of fish or other aquatic organism not indigenous to the District of Columbia into the waters of the District of Columbia);
- (b) D.C. Code §6-926(a) (discharging corrosive, flammable or explosive material into a sewer);
- (c) D.C. Code §6-927(e) (discharging used motor oil into a sewer); or
- (d) 21 DCMR §1407.1 (the use of any herbicide or chemical to control submerged aquatic vegetation without approval).

- 3232.3** Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 19 DCMR §1503.1(e) (capturing, harassing, harming or failing to return to the waters immediately any organism listed as a threatened or endangered species);
- (b) D.C. Code §6-926(m) (discharging sanitary sewage, wash or process water, oil laden bilge water, refuse or litter from a watercraft);
- (c) D.C. Code §6-927(d) (discharging oil, gasoline, anti-freeze, acid or other hazardous substance, pollutant or nuisance material on a public space);
- (d) D.C. Code §6-936(b)(1) (making a false statement in an application, record, report, plan, or other document filed under the Water Pollution Control Act); or

- (e) 21 DCMR §1401.3 (harvesting, cutting, removing, or eradication of submerged aquatic vegetation without plan approval).

3232.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 19 DCMR §1502.1 (taking of a fish or any other aquatic organism for sale or profit);
- (b) 19 DCMR §1503.1(b) (possession of a fish which is under the minimum legal size);
- (c) 19 DCMR §1503.1(c) (possessing more of a particular species of fish than is allowed by law);
- (d) 19 DCMR §1503.1(d) (possessing fish with prescribed weight, from which the heads and tails have been removed);
- (e) 19 DCMR §1503.1(f) (use of explosives, chemicals, firearms or electricity to take or injure fish or aquatic organisms);
- (f) 19 DCMR §1503.1(h) (taking fish illegally);
- (g) 19 DCMR §1503.1(i) (taking, catching or possessing striped bass or hybrid striped bass); or
- (h) 19 DCMR §1506.1 (angling for striped bass or hybrid striped bass).

3232.5 Violation of any of the following provisions shall be a Class 5 infraction:

- (a) 19 DCMR §1501.1 (fishing without a license);
- (b) 19 DCMR §1501.3 (failure to display license upon request);
- (c) 19 DCMR §1501.4 (collecting fish for scientific purposes without a permit);
- (d) 19 DCMR §1501.5 (fishing without a valid license);
- (e) 19 DCMR §§1501.2 through 1502.7 (fishing with unauthorized equipment or methods); or
- (f) 19 DCMR §1503.1(g) (taking, catching or possessing a sturgeon).

SOURCE: Final Rulemaking published at 44 DCR 1950, 1960 (April 4, 1997).

3233 DCRA BUILDING CONDEMNATION BRANCH INFRACTIONS

3233.1 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) D.C. Code §5-704 (1994 Repl. Vol.) (permitting the occupancy of a building condemned without authorization by the Board for the Condemnation of Insanitary Buildings);

- (b) D.C. Code §5-705 (failure to obtain any required permit when work is undertaken to repair or demolish a condemned building); or
- (c) D.C. Code §5-711 (hindering, preventing or refusing to permit a lawful inspection of the premises).

3233.2 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) D.C. Code §5-703 (failure to show cause within the time specified why such building or part of building should not be condemned);
- (b) D.C. Code §5-707 (failure of the owner to cause such building to be put into sanitary condition or to be demolished within the time specified by the Board in the order of condemnation);
- (c) D.C. Code §5-712 (defacing, removing or concealing any copy of any order of condemnation which has been affixed to any building); or
- (d) D.C. Code §5-715 (tenants or occupants neglecting or causing to exist insanitary conditions which has led to the condemnation of a building).

SOURCE: Final Rulemaking published at 38 DCR 1, 2 (January 4, 1991).

3234 DCRA ENVIRONMENTAL REGULATION ADMINISTRATION - SOIL RESOURCES MANAGEMENT DIVISION INFRACTIONS

3234.1 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 21 DCMR §502.1 (failure to obtain a permit prior to engaging in any earth movement or land disturbing activity which requires an approved erosion and sedimentation plan); or
- (b) 21 DCMR §515 (failure to obtain a permit prior to engaging in any earth movement or land disturbing activity which requires a stormwater management plan).

3234.2 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 21 DCMR §504.1 (failure to correct erosion);
- (b) 21 DCMR §505.3 (failure to notify the Department timely);
- (c) 21 DCMR §506.2 (failure to comply with an approved erosion and sedimentation plan);
- (d) 21 DCMR §508(e) (failure to comply with correction notice or work stop order);

- (e) 21 DCMR §509.1 (engaging in any earth movement or land disturbing activity without instituting appropriate stormwater management measures);
- (f) 21 DCMR §512.1 (failure to comply with stormwater management criteria prior to developing any land);
- (g) 21 DCMR §512.2 (failure to comply with minimum stormwater run-off control requirements);
- (h) 21 DCMR §515.4(a) (failure to comply with the conditions of the stormwater management plan);
- (i) 21 DCMR §515.4(b) (failure supply with conditions upon which a waiver was granted);
- (j) 21 DCMR §515.4(c) (failure to comply with approved construction plan);
- (k) 21 DCMR §515.4(d) (failure to comply with correction notice or stop work order);
- (l) 21 DCMR §515.4(e) (failure to implement measures to avoid immediate danger in a downstream area);
- (m) 21 DCMR §516.2 (failure to notify the Department twenty-four (24) hours prior to beginning construction of any on-site or off-site stormwater management facility);
- (n) 21 DCMR §516.5 (failure to promptly correct in the manner specified any portion of the work which does not comply with the approved plans);
- (o) 21 DCMR §517.2 (failure to comply with requirements for proper and timely maintenance of stormwater management facility);
- (p) 21 DCMR §518.1 (failure to comply with specifications and designs of *DCRA Storm Water Management Guidebook*);
- (q) 21 DCMR §520.1(e) (failure to limit grading to areas of workable size so as to limit the duration of exposure of disturbed and unprotected areas);
- (r) 21 DCMR §520.1(f) (failure to stabilize stockpile topsoil by mulch or temporary vegetation);
- (s) 21 DCMR §520.1(g) (failure to control runoff by diverting or conveying it safely through the areas with structural measures);
- (t) 21 DCMR §520.1(h) (failure to provide appropriate erosion and sediment control structures prior to or during the first phase of land grading);
- (u) 21 DCMR §520.1(i) (failure to seed/sod and mulch debris basins, diversions, waterways and related structures immediately after they are built);

- (v) 21 DCMR §520.1(j) (failure to provide sediment traps to protect inlets or storm sewers below silt producing areas);
- (w) 21 DCMR §520.1(k) (failure to establish temporary cover by seeding or mulching graded areas);
- (x) 21 DCMR §520.1(l) (failure to stabilize all streets and parking areas within thirty (30) days of final grading, with base course crushed stone);
- (y) 21 DCMR §521.4 (failure place adequate erosion control measures timely);
- (z) 21 DCMR §521.5 (exceeding period of exposure);
- (aa) 21 DCMR §521.6 (failure to stabilize);
- (bb) 21 DCMR §521.9 (failure to protect all cut and fill slopes against stormwater runoff);
- (cc) 21 DCMR §523.2 (failure to place excavated material on uphill side of trenches); or
- (dd) 21 DCMR §523.3 (failure to install temporary or permanent stabilization immediately upon completion of refilling).

3234.3 Violation of any provision of the District of Columbia Storm Water Management Regulations (21 DCMR, Chapter 5) or District of Columbia Soil Erosion and Sedimentation Control Regulations (21 DCMR, Chapter 5) which provision is not cited elsewhere in this section shall be a Class 4 infraction.

SOURCE: Final Rulemaking published at 4450, 1962 (April 4, 1997).

3235 FIRE DEPARTMENT - FIRE PREVENTION INFRACTIONS

3235.1 Violation of any of the following provisions shall be Class 1 infractions:

- (a) *D.C. FIRE PREVENTION CODE SUPPLEMENT OF 1992*, 12D DCMR §F-109.1 (Failure to remedy dangerous conditions or remove hazardous materials);
- (b) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-311.1 (Failure to maintain all required fire resistance rated doors or smoke barriers, including all necessary hardware);
- (c) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-501.1 (Failure to maintain in an operative condition at all times all fire protection systems, devices, units and service equipment);
- (d) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-601.1 (Failure to maintain in a safe condition and free of all obstructions the means of egress from each part of the building; and placing an encumbrance of any kind

upon any fire escape, balcony, or ladder intended as a means of escape from fire);

- (e) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-603.0 (Failure to install approved release mechanisms which are openable from the inside for bars, grills, gates or similar devices for emergency escape vendors);
- (f) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-1700.4.1 (Permitting overcrowding or admitting persons beyond the established posted occupant load of any place of assembly or education); or
- (g) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-2800.3 (Failure to obtain a permit for the storage, handling, or use of flammable or combustible liquids).

3235.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-304.1 (Permitting the accumulation of waste paper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any kind);
- (b) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-309.1 (Failure to provide an approved fire suppression system for existing food operations);
- (c) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-310.1 (Failure to provide and maintain a ventilating hood and duct over cooking appliances);
- (d) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-309.2 (Failure to provide an automatic and manual activation hood system);
- (e) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-314.3 (Failure to provide the required clearance between all electrical service equipment and storage);
- (f) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-517.2 (Failure to provide a sufficient number of portable fire extinguishers for all cooking operations);
- (g) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-501.1 (Failure to maintain, test and recharge hand operated portable fire extinguishing equipment in accordance with National Fire Protection Association standards);
- (h) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-517.1 (Failure to provide fire extinguishers for theaters);
- (i) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-517.1 (Failure to provide fire extinguishers for schools, assembly and lecture halls);
- (j) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-517.1 (Failure to provide fire extinguishers for dormitories or lodging houses);

- (k) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-601.2 (Storing combustible or flammable material on any portion of an exit, elevator car, stairway, fire escape or other means of egress);
- (l) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-601.3 (Aisles, passageways or stairways are obstructed in such a manner as to interfere with fire fighting access during hours when the building is open to the public);
- (m) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-403.1 (Failure to provide adequate lighting for stairways, hallways and other means of egress);
- (n) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-3003.1 (Failure to locate containers and first stage regulating equipment for liquefied petroleum outside of the building);
- (o) *BOCA NATIONAL BUILDING CODE*, §807.3 (Exits fail to discharge directly at a public way or at a yard, court or open space of the required width and size to provide all occupants with a safe access to a public way);
- (p) *BOCA NATIONAL BUILDING CODE*, §813.3 (Door openings fail to meet the requirements of minimum width based upon occupant load);
- (q) *BOCA NATIONAL BUILDING CODE*, §813.4.1.1 (Doors are not equipped with approved panic hardware);
- (r) *BOCA NATIONAL BUILDING CODE*, §817.8.2 (Exit doors swing in the wrong direction);
- (s) *D.C. ELECTRICAL CODE SUPPLEMENT OF 1992*, 12G §560.5 (Failure to provide an oil burner emergency switch);
- (t) *BOCA NATIONAL BUILDING CODE*, §2706.0 (Failure to provide emergency lights, alarms and power back-up);
- (u) *BOCA NATIONAL BUILDING CODE*, §1061.7.5 (Failure to provide an annunciator panel);
- (v) *BOCA NATIONAL FIRE PREVENTION CODE*, §604.3 (Permitting decorations, furnishing or equipment which impair the visibility of exit signs);
- (w) *BOCA NATIONAL FIRE PREVENTION CODE*, §605.1 (Failure to maintain all self-closing and automatic doors or provide a fire or smoke barrier);
- (x) *BOCA NATIONAL FIRE PREVENTION CODE*, §306.3 (Decorative materials are not non-combustible or flame resistant); or

- (y) D.C. Code §6-3108(c) (Failure to install or maintain an alarm system which does not have some safeguard to halt or recall an accidental alarm activation).

3235.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) *BOCA NATIONAL FIRE PREVENTION CODE*, §§503.0, 504.0, 505.0, 506.0, 507.0, 508.0 and 509.0 (Extinguishing systems are not inspected and tagged);
- (b) *BOCA NATIONAL FIRE PREVENTION CODE*, §604.1 (Exit signs are not maintained and clearly illuminated at all times when the building is occupied);
- (c) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-1700.4 (Failure to conspicuously post a sign stating the number of occupants permitted within such space for each place of assembly or education);
- (d) D.C. Code §6-3104(a) No person shall engage in the business of an alarm dealer within the boundaries of the District of Columbia without first obtaining an alarm dealer's license; or
- (e) D.C. Code §6-3104(e)(1), (2), or (3) (An alarm dealer's license may be denied, suspended, or revoked upon any of the following grounds: false information, violation of the regulation, conviction of a felony).

3235.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) *FIRE PREVENTION CODE SUPPLEMENT OF 1992*, 12D §408.3 (Failure to conspicuously post fire regulations);
- (b) *BOCA NATIONAL FIRE PREVENTION CODE*, §F-500.5 (Failure to place and maintain instructional placards at each striking station);
- (c) *BOCA NATIONAL FIRE PREVENTION CODE*, §1700.3 (Failure to submit egress plan for approval and maintain an approved copy on the premises);
- (d) *BOCA NATIONAL FIRE PREVENTION CODE*, §1703.5 (Failure to maintain exit signs in theaters and other places of public assembly);
- (e) D.C. Code §6-3103 (Use by any person of prerecorded messages to report alarm);
- (f) D.C. Code §6-3105(e) (Failure of alarm agent to carry or display valid identification card);
- (g) D.C. Code §6-3106(a) (Failure to maintain alarm users records as required by law);
- (h) D.C. Code §6-3106(b) (Failure of dealer to give proper instructions to users on care and use of alarm);

- (i) D.C. Code §6-3106(c) (Fail to post sign indicating alarm dealer);
- (j) D.C. Code §6-3106(d) (Fail to adequately train or instruct employees);
- (k) D.C. Code §6-3107(a) (False alarm);
- (l) D.C. Code §6-3107(c) (Failure of user to post name of alarm agent or dealer; alarm in good working order);
- (m) D.C. Code §6-3107(d) (Failure of user to maintain alarm in good working order);
- (n) D.C. Code §6-3107(d) (Failure of user to have person properly respond to scene when requested);
- (o) D.C. Code §6-3108(a) (Installation or maintenance by any person or system which creates improper sound);
- (p) D.C. Code §6-3108(c) (Installation or maintenance by any person of system without delay mechanism; or
- (q) D.C. Code §6-3106(d) (Failure of dealer to employ a master electrician).

3235.5 Violation of any provision of the *District of Columbia Fire Prevention Supplement of 1992*, 12D DCMR, or the *BOCA National Fire Prevention Code/1990*, which provision is not cited elsewhere in this section, shall be a Class 5 infraction.

SOURCE: Final Rulemaking published at 44 DCR 1857 (March 28, 1997).

3236 DCRA ENVIRONMENTAL REGULATION ADMINISTRATION - UNDERGROUND STORAGE TANK BRANCH INFRACTIONS

3236.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 20 DCMR §5700.1(a) or 5701.1 (installation of petroleum UST which does not meet new UST system performance standards including cathodic protection);
- (b) 20 DCMR §5700.1(b), (d), or 5800.1(a), (d) (failure to properly upgrade or permanently close existing petroleum UST by December 22, 1998);
- (c) 20 DCMR §5700.2 or 5702.1 (installation of hazardous substance UST which does not meet UST system performance standards for hazardous substances including cathodic protection);
- (d) 20 DCMR §5700.3, 5700.4, or 5800.2 (failure of existing hazardous substance UST to meet required tank performance standards or permanent closure requirements by December 24, 1994);
- (e) 20 DCMR §6201.1, 6201.3, or 6201.5 (failure of responsible party to take immediate action to contain and clean up any spill) or overfill);

- (f) 20 DCMR §6201 (failure of responsible party to report spill or overfill to Director and to Fire Chief as required);
- (g) 20 DCMR §6202, 6204.1 (c) or 6000.12 (failure to notify Director and Fire Chief of release or suspected release from UST as required);
- (h) 20 DCMR §6203.1 or 6205.6 (failure to investigate and confirm suspected release in accordance with required procedures);
- (i) 20 DCMR §6203.4 (failure to repair, replace, upgrade system after leak determined);
- (j) 20 DCMR §6204.1(a) (failure to identify and mitigate any fire, explosion or vapor hazards upon confirmation of release);
- (k) 20 DCMR §6204.1(b) or 6205.3 (failure to take immediate action to prevent any further release into the environment);
- (l) 20 DCMR §6205.2 (failure of responsible party to empty regulated substance from UST system after release from tank confirmed);
- (m) 20 DCMR §6205.4 (failure of responsible party to monitor and mitigate hazards caused by vapors or free product in subsurface structures);
- (n) 20 DCMR §6205.7 (failure to investigate to determine presence of free product);
- (o) 20 DCMR §6206.1, 6206.2, or 6206.4 (failure to properly remove free product in accordance with requirements);
- (p) 20 DCMR §6206.3 (failure to treat, discharge, recycle or dispose of free product in accordance with law);
- (q) 20 DCMR §6206.5 (failure to handle flammable substances in safe manner to prevent fire or explosion);
- (r) 20 DCMR §6207.1 6207.2, or 6207.4 (failure to perform complete site assessment and submit report within time required);
- (s) 20 DCMR §6208.1 6208.2, 6208.4, 6208.5, or 6208.6 (failure to submit a corrective action plan (CAP) which meets requirements within time frame required);
- (t) 20 DCMR §6209.1 (failure to implement CAP within thirty (30) days or in accordance with schedule);
- (u) 20 DCMR §6301.3, (failure of responsible party to conduct monitoring, testing or corrective action as required);
- (v) 20 DCMR §6301.5 or 5602.1 (refusal of owner or operator to cooperate with inspections, monitoring or testing conducted by Director);

- (w) 20 DCMR §6700.10, 6700.11, or 6700.12 (failure of petroleum UST owner to demonstrate required financial responsibility for taking corrective action and compensating third parties for damages caused by accidental releases); or
- (x) 20 DCMR §6701.1 (failure of owner to utilize acceptable mechanism(s) to demonstrate financial responsibility).

3236.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR §5600.1, 5600.2, or 5600.3 (failure to submit notification of underground storage tank (UST) within prescribed time period);
- (b) 20 DCMR §5602.4(d) or 6103 (failure to maintain records of site investigation conducted at permanent closure);
- (c) 20 DCMR §5602.8 (failure to maintain records for required period);
- (d) 20 DCMR §5603.2 (failure to provide notice to Director and Fire Chief of time of installation, removal, repair or upgrade);
- (e) 20 DCMR §5604 (seller's failure to notify real property purchaser in writing of existence or removal of UST);
- (f) 20 DCMR §5700.1(c) (tank installed after December 22, 1988, and before November 12, 1993, does not meet federal new tank performance standards);
- (g) 20 DCMR §5700.9 (tank not properly designed and constructed in accordance with approved code of practice);
- (h) 20 DCMR §5700.10 or 6004.2 (pressurized piping not equipped with automatic line leak detector);
- (i) 20 DCMR §5701.4, 5701.5, 5701.6, 5702.4, 5703.4, 5703.5, or 5703.6 (secondary containment systems improperly designed, constructed, installed);
- (j) 20 DCMR §5703.1 (new heating oil tank does not meet performance standards including cathodic protection requirements);
- (k) 20 DCMR §5704.1, 5704.2, or §704.3 (UST piping not properly constructed in accordance with code of practice, or not cathodically protected);
- (l) 20 DCMR §5704.5 (failure to secondarily contain pressurized piping and piping for hazardous substance USTs);
- (m) 20 DCMR §5706.1 (new UST system not properly installed in accordance with approved code of practice);
- (n) 20 DCMR §5706.2 (UST installer/installation not certified);

- (o) 20 DCMR §5706.4 (installation not inspected and approved by Director and Fire Chief);
- (p) 20 DCMR §5902.8 (failure to maintain records of each repair for operating life of repaired UST);
- (q) 20 DCMR §5903 (UST system incompatible with substance stored therein);
- (r) 20 DCMR §6000.1 or 6000.3 (owner/operator fails to employ an approved method of release detection);
- (s) 20 DCMR §6000.6 (release detection system not capable of detecting release from any portion of system as required);
- (t) 20 DCMR §6000.7 (failure to properly install, calibrate, operate and maintain release detection system);
- (u) 20 DCMR §6002.2 (failure of owner/operator of hazardous substance UST to provide release detection which meets requirements);
- (v) 20 DCMR §6100.7 (failure to empty tank, open vent lines and cap lines within ninety (90) days of temporary closure);
- (w) 20 DCMR §6101.3 (failure to follow accepted code of practice in meeting closure requirements);
- (x) 20 DCMR §6101.4, or 6101.7 (failure to empty tank and properly dispose of contents prior to removal or change in service);
- (y) 20 DCMR §6101.5 (failure to remove tank from ground or obtain variance);
- (z) 20 DCMR §6101.11 (failure to treat or properly dispose of excavated contaminated soils within thirty (30) days);
- (aa) 20 DCMR §6102 (failure of responsible party for out-of-service UST to comply with directive to assess and close UST as required);
- (bb) 20 DCMR §6214.1 (failure of responsible party to prepare site specific health and safety plan for on-site work in compliance with OSHA requirements); or
- (cc) 20 DCMR §6301.6 (failure of responsible party to comply with request for submission of records, documents or information).

3236.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 20 DCMR §5500.1 (failure to obtain required permits for UST activities);
- (b) 20 DCMR §5600.2 or 5600.7 (failure to include required information on notification form or to update as required);

- (c) 20 DCMR §5601.1 or 5601.7 (failure to register UST or to renew registration);
- (d) 20 DCMR §5601.10 or 5601.12 (deposit of regulated substance in unregistered UST);
- (e) 20 DCMR §5601.11 or 5601.12 (dispensing regulated substance from unregistered UST);
- (f) 20 DCMR §5603.1 (failure to submit written notice to Director of installation, removal, repair or upgrade of UST two (2) weeks in advance);
- (g) 20 DCMR §5603.3 (failure to provide notice to Director and Fire Chief of emergency removal or repair);
- (h) 20 DCMR §5603.4 (failure to obtain UST Branch approval of plans and specifications for UST installation or upgrade);
- (i) 20 DCMR §5603.6 or 5603.7 (failure to provide timely notice of tightness test to Director and Fire Chief);
- (j) 20 DCMR §5705.1, 5705.2, or 5803 (failure of owner or operator to use required spill and overfill prevention equipment)
- (k) 20 DCMR §5706.5 (failure to perform precision test upon installation of UST as required);
- (l) 20 DCMR §5801.3 (failure to properly install or periodically inspect internal lining);
- (m) 20 DCMR §5801.3 (UST not properly upgraded by cathodic protection);
- (n) 20 DCMR §5802 (failure to upgrade metal piping with required cathodic protection);
- (o) 20 DCMR §5900 (failure to comply with spill and overfill control requirements);
- (p) 20 DCMR §5901 or 5704.4 (failure to comply with operation and maintenance requirements for UST system corrosion protection to prevent releases);
- (q) 20 DCMR §5902.1 (failure of owner or operator to use proper techniques, materials for repairs and follow code of practice);
- (r) 20 DCMR §6000.9 (manufacturer/installer performance claims not in writing or incomplete);
- (s) 20 DCMR §6000.10 (release detection system not capable of accurately detecting leak rate);

- (t) 20 DCMR §6001 (failure of owner/operator to maintain required records);
- (u) 20 DCMR §6003.2 (failure to monitor tank every thirty (30) days for release as required);
- (v) 20 DCMR §6003.7 (secondary containment system not checked for release every thirty (30) days);
- (w) 20 DCMR §6004.1, 6004.3, or 6004.4 (failure of owner or operator of petroleum UST to regularly monitor underground piping as required for release);
- (x) 20 DCMR §6005.1 (failure to perform monthly product inventory control;
- (y) 20 DCMR §6006 (failure to follow proper procedures for manual tank gauging);
- (z) 20 DCMR §6007 (failure to conduct proper tank tightness testing);
- (aa) 20 DCMR §6008 (automatic tank gauging does not meet requirements);
- (bb) 20 DCMR §6009 (vapor monitoring method does not meet requirements);
- (cc) 20 DCMR §6010 (ground-water monitoring does not meet requirements);
- (dd) 20 DCMR §6011 (interstitial monitoring does not meet requirements);
- (ee) 20 DCMR §6012 (alternative method of release detection does not meet performance requirements);
- (ff) 20 DCMR §6013.2 or 6013.4 (failure of release detection for petroleum UST piping to meet performance requirements);
- (gg) 20 DCMR §6100.3 (failure to notify Director and Fire Chief of temporary closure of UST within seven (7) days);
- (hh) 20 DCMR §6100.8 (failure to permanently close UST within twelve (12) months after temporary closure);
- (ii) 20 DCMR §6101.2 (failure to notify Director and Fire Chief of permanent closure or change in service);
- (jj) 20 DCMR §6101.6 (failure to fill tank with inert solid material when variance granted);
- (kk) 20 DCMR §6101.8 or 6101.9 (failure to conduct site assessment of excavation zone before permanent closure or change in service);
- (ll) 20 DCMR §6205.8 (failure to submit initial abatement report to Director and Fire Chief);

- (mm) 20 DCMR §6206.6 (failure to submit free product removal report);
- (nn) 20 DCMR §6207.3 or 6208.7 (failure to prepare and follow site-specific Quality Assurance/Quality Control plan prior to conducting site activities for site assessment or corrective action);
- (oo) 20 DCMR §6208.10 (initiation of remediation without notifying Director, complying with conditions imposed by Director;
- (pp) 20 DCMR §6209.3 (failure to monitor, evaluate, and report results of implementing CAP in accordance with required schedule);
- (qq) 20 DCMR §6209.6 (failure to submit one-year evaluation of CAP effectiveness);
- (rr) 20 DCMR §6213.8 (failure of responsible party to remove equipment and ensure that wells are closed down, removed, grouted and sealed);
- (ss) 20 DCMR §6701.7, 6702.9 or 6715.4 (failure of owner to obtain and submit current evidence of financial responsibility to Director within thirty (30) days after owner receives notice of incapacity of assurance provider);
- (tt) 20 DCMR §§6702.1 - 6702.7 (failure of owner to maintain records of financial assurance mechanisms as required);
- (uu) 20 DCMR §6702.8 (failure of owner to submit evidence of financial responsibility to Director within thirty (30) days after identifying a release from UST);
- (vv) 20 DCMR §6706.4, 6706.5, 6706.6, or 6715.2 (failure of guarantor to meet financial criteria and send required notices to owner);
- (ww) 20 DCMR §6703.6, 6714.6, or 6715.5 (failure of owner to notify Director of failure to obtain alternate assurance);
- (xx) 20 DCMR §6714.2 or 6714.3 (termination of financial assurance mechanism without proper notice to owner); or
- (yy) 20 DCMR §6715.1 (failure to notify the Director of bankruptcy).

3236.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 20 DCMR §5600.8 (failure to ensure that installer certifies proper installation);
- (b) 20 DCMR §5600.9 or 5600.10 (failure to notify UST owner, purchaser or lessee of notification requirements);
- (c) 20 DCMR §5601.9 (no registration certificate available for inspection);

- (d) 20 DCMR §5601.13 (failure to notify UST purchaser or registration requirements);
- (e) 20 DCMR §5200.5 (records unavailable for inspection at UST site);
- (f) 20 DCMR §5602.6 (records not readily available for inspection);
- (g) 20 DCMR §5602.7 (failure to deliver closure records to Director when required);
- (h) 20 DCMR §6209.2 (failure to notify Director seven (7) days prior to initial operation of CAP);
- (i) 20 DCMR §6700.8 or 6702.10 (failure to file Certification of Financial Responsibility within required time); or
- (j) Violation of any provision of the D.C. Underground Tank Management Act, D.C. Code §6-995, or of the D.C. Code §6-995, or the D.C. Underground Storage Tank Regulations, 20 DCMR, Chapters 55-67, which is not cited elsewhere in this section.

SOURCE: Final Rulemakings published at 44 DCR 1350,1364 (April 4, 1997) .

3237 DCRA ENVIRONMENTAL REGULATION ADMINISTRATION - HAZARDOUS WASTE MANAGEMENT BRANCH INFRACTIONS

3237.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 20 DCMR §4002 (refusal of generator, transporter of Treatment, Storage or Disposal (TSD) facility to allow entry by Director or designee for inspection as required);
- (b) D.C. Code §6-707 (1995 Repl. Vol.), 20 DCMR §4003.1 (refusal of generator, transporter, or TSD facility to allow Director or designee to inspect premises, obtain samples, or inspect and copy records or test results);
- (c) 20 DCMR §4003.5 (failure or refusal of generator, transporter or TSD facility to conduct monitoring, testing or take corrective action as directed);
- (d) 20 DCMR §4016 (refusal of generator, transporter of TSD facility or property owner to permit Director or designee to enter to respond to release or take corrective action);
- (e) 20 DCMR §4200.6 (failure of person who generates a solid waste to determine if the waste is a hazardous waste);
- (f) 20 DCMR §4200.7 or 4200.8 (failure of generator to obtain EPA ID number prior to treatment, storage, disposal, transportation, or offer for transportation of hazardous waste);
- (g) 20 DCMR §4300.4 (failure of transporter to obtain EPA ID number);

- (h) 20 DCMR §4301.9 or 4301.10 (failure of transporter to deliver entire quantity of hazardous waste accepted to designated facility, alternate designated facility or next designated transporter, or to contact generator for further instructions);
- (i) 20 DCMR §4302 (failure of transporter to properly notify authorities of discharge during transport, to take immediate actions to protect human health and environment, or to clean up discharge as required);
- (j) 20 DCMR §4400.3 (management of hazardous waste by incineration, land treatment, land disposal or surface impoundment);
- (k) 20 DCMR §4401.3 (failure by facility owner or operator to apply for an EPA ID number in accordance with the Department notification procedures);
- (l) 20 DCMR §4401.14 (failure by facility owner or operator to prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock on to the active portion of his or her facility);
- (m) 20 DCMR §4401.17 (failure by facility owner or operator to inspect his or her facility for malfunctions and deterioration, operator errors, and discharges which may be causing, or may lead to release of hazardous waste);
- (n) D.C. Code §6-713 (1995 Repl. Vol.), 20 DCMR §4502.7 (use of waste, used oil or other material contaminated with dioxin as a dust suppressant or road treatment);
- (o) 20 DCMR §4600.5, or 4600.6 (failure to have required storage, treatment or disposal facility permit);
- (p) 20 DCMR §4601.10 (commencement of construction of new hazardous waste management facility without having a permit); or
- (q) D.C. Code §6-703 (1995 Repl. Vol.), 20 DCMR §4602.1 (failure to comply with permit conditions).

3237.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR §4003.4 (failure of generator, transporter, or owner or operator of TSD facility to submit records, documents or responses to Director within fourteen (14) days of request therefore);
- (b) 20 DCMR §4100.24 (accumulation of hazardous waste by small quantity generator on-site for more than one hundred eighty (180) days or in excess of six hundred (600) kilograms or one kilogram of acutely hazardous waste);
- (c) 20 DCMR §4200.9 (failure of generator to ensure that transporter or TSD facility has EPA ID number, prior to offering his or her hazardous waste for transport, treatment, storage or disposal);

- (d) 20 DCMR §4201.1 (failure of generator to prepare a manifest for transport);
- (e) 20 DCMR §4201.2 (failure of generator to designate a facility which is permitted to handle waste on manifest);
- (f) 20 DCMR §4201.4 (failure of generator to designate alternate facility or instruct transporter to return waste, where transporter cannot deliver to designated facility);
- (g) 20 DCMR §4201.8(a) (failure of generator to sign manifest certification by hand);
- (h) 20 DCMR §4201.8(b) (failure of generator to obtain signature of initial transporter and date of acceptance on manifest);
- (i) 20 DCMR §4201.8(c) or 4203.1 (failure of generator to keep a copy of each manifest on-site for the required period of time);
- (j) 20 DCMR §4202.1 (failure of generator to package hazardous waste in accordance with applicable USDOT Regulations prior to transport);
- (k) 20 DCMR §4202.2 (failure of generator to label hazardous waste in accordance with applicable USDOT Regulations prior to transport);
- (l) 20 DCMR §4202.3 or 4202.4 (failure of generator to mark hazardous waste in accordance with applicable USDOT Regulations prior to transport);
- (m) 20 DCMR §4202.5 (failure of generator to placard hazardous waste in accordance with applicable USDOT Regulations prior to transport);
- (n) 20 DCMR §4202.6 (accumulation of hazardous waste by generator for more than ninety (90) days);
- (o) 20 DCMR §4202.7(c) (failure to clearly mark accumulation start date on each container);
- (p) 20 DCMR §4202.7(d) (accumulation of hazardous waste without labeling containers with the words "hazardous waste");
- (q) 20 DCMR §4202.7(e) (accumulation of hazardous waste without meeting preparedness and prevention requirements of 20 DCMR §4402, contingency plan and emergency procedures of 20 DCMR §4403, training program requirements of 20 DCMR §§4401.23 through §4401.29);
- (r) 20 DCMR §4203.5 (failure to submit a complete Biennial Report by the specified period of time);
- (s) 20 DCMR §4203.10 (failure of generator to submit reports required by Director regarding quantities and disposition of waste);

- (t) 20 DCMR §4204.1 (failure of primary exporter, or importer of hazardous waste from a foreign country, or of transporter transporting hazardous waste for export to meet applicable requirements);
- (u) 20 DCMR §4300.6 (failure of transporter who stores manifested shipments of hazardous waste at transfer facility to meet applicable general facility standards);
- (v) 20 DCMR §4300.8 (failure of transporter to meet U.S. Department of Transportation (USDOT) requirements);
- (w) 20 DCMR §4301.1 (acceptance of hazardous waste by transporter without properly signed manifest and (for exports) Acknowledgement of Consent);
- (x) 20 DCMR §4301.2 (failure of transporter to sign and date manifest and return manifest to generator, before transporting waste);
- (y) 20 DCMR §4301.3 (failure of transporter to ensure that manifest and (for exports) Acknowledgement of Consent accompanies hazardous waste);
- (z) 20 DCMR §4301.6 (failure of initial rail transporter to meet manifest requirements);
- (aa) 20 DCMR §4301.8 (failure of transporter who transports waste outside the United States to meet manifest requirements);
- (bb) 20 DCMR §4301.11, 4301.12, 4301.13, or 4301.15 (failure of transporter to maintain copies of manifest and shipping papers as required);
- (cc) 20 DCMR §4400.7(h) (storing of hazardous waste shipment by transporter for more than ten (10) days without having TSD permit and meeting all TSD requirements);
- (dd) 20 DCMR §4401.16 (failure by facility owner or operator to post a sign with the legend, "Danger-Unauthorized Personnel Keep Out");
- (ee) 20 DCMR §4401.22 (failure by facility owner or operator to record inspections in inspection logs or summary and keep these records for at least three (3) years);
- (ff) 20 DCMR §4401.23 (failure by facility owner or operator to ensure that facility personnel complete a program of classroom instruction or on-the-job training that teaches them to perform their duties);
- (gg) 20 DCMR §4403.2 (failure by facility owner or operator to have a contingency plan for his or her facility);
- (hh) 20 DCMR §4404.11 (failure by facility owner or operator to furnish upon request and make available at all reasonable times for inspection, all records and plans required under Chapter 44);

- (ii) 20 DCMR §4503.2 (marketing of hazardous waste fuel to person who does not have EPA ID number or who burns such fuel in the District);
- (jj) 20 DCMR §4503.7 (failure of marketers of hazardous waste fuel to meet required standards);
- (kk) 20 DCMR §4504.6 or 4504.12 (marketing of off-specification used oil in violation of requirements);
- (ll) 20 DCMR §4505.2(a) (failure of generator, transporter, or person who stores recyclable materials to meet notification requirements);
- (mm) 20 DCMR §4505.2(b) (failure of generator, transporter, or person who stores recyclable materials to meet applicable requirements for generators, transporters and storers of hazardous waste);
- (nn) 20 DCMR §4505.3 (failure of persons who store recycled materials to keep required records);
- (oo) 20 DCMR §4506.2 (failure of owners or operators of facilities that store spent batteries to meet notification and other applicable requirements); or
- (pp) 20 DCMR §4601.1 (failure to complete, sign and submit permit application, including all documentation and supplemental information, as required).

3237.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 20 DCMR §4100.18(b) (failure of sample collector to comply with requirements governing proper labeling and packaging of samples);
- (b) 20 DCMR §4201.8(d) (failure of generator to send copy of manifest to Department within seven (7) days after shipment is accepted by initial transporter);
- (c) 20 DCMR §4201.10 (failure of generator to send copy of manifest signed by designated facility to Department within seven (7) days after receipt);
- (d) 20 DCMR §4201.12 (failure of generator to send three (3) copies of manifest for rail shipments of hazardous waste as required);
- (e) 20 DCMR §4203.2 (failure to keep a copy of each Biennial report for the required period of time);
- (f) 20 DCMR §4203.3 (failure to keep records of test results or waste analyses for required three-year period);
- (g) 20 DCMR §4203.7 (failure of generator to contact transporter or owner/operator of TSD facility if generator does not receive properly signed copy of manifest within thirty-five (35) days);

- (h) 20 DCMR §4203.8 (failure of generator to submit required Exception Report);
- (i) 20 DCMR §4203.9 (failure to submit written notification within the prescribed time for any changes to the Notification of Regulated Waste Activity or ceasing generation);
- (j) 20 DCMR §4203.10 (failure of generator to submit reports required by Director regarding quantities and disposition of waste);
- (k) 20 DCMR 4301.4 (failure of transporter to obtain date of delivery and required signature on manifest, and to keep and deliver appropriate copies);
or
- (l) Violation of any provision of the D.C. Hazardous Waste Management Act, D.C. Code §6-701 *et seq.*, or of the D.C. Hazardous Waste Regulations, 20 DCMR, Chapters 40-54, which is not cited elsewhere in this section.

SOURCE: Final Rulemakings published at 44 DCR 1350, 1372 (March 7, 1997).

